Justice of the Peace
and
LOCAL GOVERNMENT REVIEW

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CONTENTS

REPORTS

NOTES OF THE WEEK

Witnesses' Expenses

On January 1, 1955, there came into force the Witnesses Allowances Regulations, 1954 (S.I. 1954, No. 1626 (L.18)) which amend the 1948 regulatibns as follows :

1. A new reg. 3 (1) is substituted which reads " (1) Subject to the provisions of reg. 4 of these regulations, there may be allowed to a person, not being a person referred to in either of the preceding regulations, who attends to give evidence and who by attendance at court loses wages, earnings or other income *or necessarily incurs additional expense (other than expense on account of travelling or subsistence) to which he would not otherwise have been subject* an allowance not exceeding 30*s.* a day in respect of that loss or additional expense, together with an allowance not exceeding 7*s.* a day in respect of subsistence."

[Note the inclusion of the phrase which we have printed in italics, and the increases in the allowances from 20*s.* and 5*s.* to 30*s.* and 7*s.* respectively.]

2. In reg. 3 (2) the subsistence allowance is similarly increased to 7*s.*

3. In reg. 5 the maximum night allowance is increased from 20*s.* to 27*s.* 6*d.*

4. A new reg. 7 (3) is substituted as follows :

" (3) There may be allowed to a person travelling by private conveyance for the purpose of giving evidence a sum not exceeding, in any case where the court is satisfied that the use of a private conveyance results in a substantial saving of time or is otherwise reasonable, 6*d.* a mile each way, and in any other case, 2*d.* a mile each way, and there may be allowed to a person travelling on foot for the purpose of giving evidence a sum not exceeding 2*d.* a mile each way."

[Note that under the existing reg. 7 (3) a flat rate of 3*d.* per mile is prescribed.]

International Congress on Criminology

The interchange of knowledge and experience between nations on social questions is an encouraging feature of the present times. What is suitable in one country is not always suitable for another, but sometimes it is, and often some methods of dealing with the problem which has proved its worth in one country can be adapted to the needs of another. In the field of criminology this interchange of opinion and experience is proving its value.

The third International Congress on Criminology, which is being organized on behalf of the International Society for Criminology by a British committee, under the chairmanship of Dr. Denis Carroll, will be held at Bedford College, London, from September 12 to 18, 1955.

The main subject is to be recidivism, and it will be studied under five headings as follows :

1. Definitions of recidivism and their statistical aspects.
2. Descriptive study of forms of recidivism and their evolution.
3. Causes of recidivism.
4. Prognosis of recidivism.
5. Treatment of recidivism.

There will be both plenary and sectional sessions. The sectional meetings are for the purpose of more intimate discussion than is possible in a plenary session. Reports and papers under each of these five headings are invited. In addition, national reports descriptive of recent progress and the present state of affairs in each country are being requested through the Society's national representatives. Ten well-known criminologists will act as *rapporteur*. Social events and visits to places of interest, general or criminological, will be arranged. The official languages of the Congress will be English, French and Spanish. Membership is open to all scientists, medical men, judges, magistrates, lawyers, officials dealing with crime and criminals, penal administrators and officers, police and police scientists, probation officers, social workers and others who are seriously interested in, or concerned with, the subject of criminology in general or recidivism in particular. The subscription is £7 7*s.* for full membership and £2 2*s.* for associate membership (wives and husbands of members). Further particulars and forms of application will be issued later. All communications should be addressed to the Organizing Secretary, Third International Congress on Criminology, 28, Weymouth Street, London, W.1.

What Is Lard ?

In our note at 118 J.P.N. 742 we suggested that the prosecution therein referred to was under the Merchandise Marks Act. We are indebted to Mr. T. L. E. Gregory, who conducted the prosecution, for the information that the proceedings were taken under the Defence (Sale of Food) Regulations, 1943, for giving with certain food a label with a false description.

Forfeiture Fantasy

At the end of our article at p. 6, *ante*, on the Morelle Company's cases, we mentioned that the Court of Appeal was offering the Crown an opportunity to be heard, before the latest of those cases is decided. Further argument will take place next term. The hesitancy of the Crown's advisers, about taking advantage of the forfeiture, is easily understood. What was described in the House of Commons as a " slum empire " appears to be at stake ; incidentally, it has also been stated in the House that the man who designed the edifice of Irish companies is still managing that " empire." It is (in one sense of the word " accident ") an accident that the cases came into the courts at all, for if the beneficial owner of these leasehold properties had chosen to vest the leases in (say) two individuals as trustees for himself, the trustees being resident abroad, almost the same results for his purposes might have been secured. He no doubt preferred to vest his leases in a company because, as virtually the sole shareholder, he could control it more certainly than one or two natural persons. As the Attorney-General stated in the House of Commons (*The Times*, November 2) the law of mortmain was not intended as a weapon against wicked landlords, even though, as Lord Justice Denning has pointed out (*ante*, p. 7) it can be made to serve that purpose. In its medieval form it was invented as a protection for the public revenue ; in its modern shape, in the Acts of 1888 and 1891, its object is to keep land on the market. It looks as if the next step will be an interesting argument by the Law Officers, that the Court of Appeal or perhaps the House of Lords should save the Crown from its friends, by declaring that forfeiture is not automatic, and the step after that will almost certainly be legislation. We do not see how the Crown can be advised to acquiesce in the position that, because a person it has never heard of chose to turn his interests into a one-man company registered in Ireland, it should be held responsible for property its advisers have never seen, burdened possibly with onerous repairing covenants, and (in cases like those now brought to notice) burdened also with potentially heavy obligations under the Public Health Acts and the Housing Acts.

Plucking Poultry

A tantalizing paragraph in *The Times* reports that certain metropolitan borough councils " are considering a new bye-law classifying poultry plucking as an obnoxious trade." Evidently something has gone wrong with the report, since the councils of metropolitan boroughs have no greater power than those of provincial boroughs or districts to classify a trade as " obnoxious " (or offensive) by a byelaw. Outside London, such classifying is done under s. 107 of the Public Health Act, 1936, as formerly under s. 51 of the Public Health Acts Amendment Act, 1907, by an order of the local authority ; in London by order of the common council or the London County Council under s. 140 of the Public Health (London) Act, 1936. When a trade has been so classified, certain consequences follow : it may not be newly established without consent, and byelaws can be made controlling it, whether established after or before the making of the order. The reason given by *The Times* for the proposal to classify the plucking of poultry as an offensive trade is that traders, residents, and passers-by are said to be annoyed by the wafted feathers. We had not heard of this annoyance elsewhere, and should not have thought that it was generally serious. It is said to occur in one area of London alone, and we imagine that, even there, it is seasonal. It may be that in that area there is a case for some control, so far as will prevent annoyance, but it seems heavy handed, even when the process is carried on as a trade separate from others, to subject it to a declaratory order, which would mean that throughout the county it could not be established without the consent of the borough council, and, when established, could be controlled by byelaws.

Oxford Traffic

We spoke at 118 J.P.N. 648 of traffic at Oxford and Cambridge, mentioning Oxford as an illustration against our general thesis, that a comparatively small unit of administration is preferable. Oxford is not a large town, by modern standards (despite its phenomenal increase since it became industrial) ; being a county borough, it can, unlike Cambridge, be planned by its own council, and yet it suffers from perhaps the worst traffic conditions in the kingdom, and suffers (so far as can be judged by an outsider) by reason of inability to settle upon the proper remedy for admitted evils. Amongst those evils are delay, danger, disturbance of University work in the older, non-industrial, portion of the city, and detriment to buildings of artistic value and historic interest. The country at large has therefore some concern with the inquiry held lately by order of the Minister of Transport and Civil Aviation, on the subject of a one-way traffic system. In course of the inquiry it was stated that the number of motor vehicles registered in Oxford had risen since 1945 from 9,773 to 17,190 ; as well as local registrations, there will obviously be an increase, possibly in the same proportion, in the number of vehicles passing through Oxford but registered elsewhere. Continuance of certain one-way traffic arrangements is desired by the city council, on the advice of the watch committee. It is resisted by two colleges, by the A.A. and R.A.C., and by various other bodies and persons, and by the chief constable of Oxford. From the point of view of local government, this last is the most interesting feature of the case. The Road Traffic Acts confer large powers upon constables, and there is a tendency, perhaps inevitable, to treat the police as the main authority on questions of traffic : a tendency fostered by the powers exercised in London. In Oxford, as elsewhere, whatever rule is settled about one-way traffic will have to be enforced by the police, and therefore their opinion should be considered by the city council and by the Minister of Transport, where his confirmation is required. But the chief constable is not the ultimate authority ; whether the council's proposals are good or bad, it is refreshing to find that the watch committee and the council are prepared to take responsibility for proposals which he does not support.

Legal Aid and Advice

Legal aid and advice have, for many years, formed part of the services performed by voluntary organizations, but their experience showed that there was an urgent need for a much more comprehensive scheme, and, following pressure from many quarters, the Rushcliffe Committee was appointed. Its report recommended a system of legal aid and advice in all courts and its findings were, in substance, embodied in the Legal Aid and Legal Advice Act, 1949. The Act has, however, not been fully implemented and legal aid is only provided in criminal cases and in the High Court. The most widespread organization giving legal aid on a voluntary basis is the Citizens Advice Bureaux but only a small proportion of

them have qualified lawyers in attendance or have an arrangement for consulting solicitors on behalf of inquirers. There are also two legal advice centres in London which maintain, chiefly by means of a grant from the London County Council, a small whole-time professional and clerical staff whose efforts are supplemented by a rota of part-time volunteers (chiefly members of the bar). These centres give advice to and conduct negotiations for poor persons—broadly those whose income are under £5 a week—either free or for a nominal fee of 2*s.* 6*d.* an interview. The centres can also arrange representation in court provided there can be paid by the applicant or from some charitable source a minimum fee to counsel of £2 4*s.* 6*d.* A major difficulty is, however, that when dealing with persons whose means are extremely limited, they cannot be advised to embark upon litigation whatever their trouble may be, unless their prospects of not only obtaining but also being able to enforce a judgment, are well above the average. Facilities are also available in a few other cities especially in Manchester and Salford.

In opening an adjournment debate in the House of Commons on October 26, Mr. Arthur Skeffington urged that the remaining part of the Act should be implemented and mentioned that the National Council of Social Service called a conference of those interested. As a result of this conference the view was formed that the delay in implementing the Act to the full has denied to many the justice to which they are entitled. A memorandum was accordingly prepared and sent to the Lord Chancellor.

The Attorney-General in replying to the debate in the House of Commons agreed that the case for the extension of legal aid to the county courts was strengthened by the matters arising from the Housing (Repairs and Rents) Act, 1954, and the Landlord and Tenant Act, 1954. He could give no promise in the matter, but said the position was being closely considered by the Lord Chancellor. He stated in the House of Commons on November 1 that it was estimated that the annual cost of bringing into operation those provisions of Part I of the Act which relate to legal advice, legal aid in the magistrates' courts and legal aid in the county courts respectively was £470,000, £100,000, and £250,000. It was pointed out in a leading article in *The Times* on November 22 that 90 *per cent.* of persons assisted under the scheme have been successful and the cost is about £1 million a year. Two defects were noted (1) the defendant to a fruitless action has frequently to pay the whole or most of his costs and (2) the delay sometimes amounting to 10 months—in an action coming for trial. It was suggested that many cases could be satisfactorily tried in the county court and that this would be done if, as was suggested in the article, legal aid was extended to those courts. It seems that some legal aid committees set up under the Act sometimes refuse applications for legal aid on the grounds that the proceedings would be more appropriate to the county court. The regulations were amended last April to make it obligatory for an area committee to discharge a certificate if they considered as a result of information coming to their knowledge that it was unreasonable in the circumstances for an assisted person to continue to receive legal aid. The only qualification is that the committee must first give him an opportunity of showing cause why his certificate should not be discharged. Thus it is open to a defendant who has made an offer which he thinks ought to be accepted to tell the area committee about it and so in large measure transfer to the committee the responsibility of deciding whether the case should go on.

CABS AND BARGAINS

Outside the metropolitan police district, a cabman can be required to drive as far as the passenger demands within the borough or urban district where the cab is licensed (the relevant legal provisions not being usually in force in a rural district), but not outside that borough or urban district—apart from exceptional cases under local Acts, which need not be here considered. The council of the borough or urban district could under s. 68 of the Town Police Clauses Act, 1847, make a byelaw limiting the passenger's rights, but we do not remember seeing such a byelaw, and so far as we know the provincial cabman has not found it a grievance that his passenger can insist on being driven for an unlimited number of miles in a single journey. The cabman's safeguard is that the obligation does not extend beyond the borough or the district boundary, so that hirings of abnormal length do not occur in practice, and hirings however long (say a whole morning's shopping expedition) usually terminate at a point not too far from the places where fresh hirings can be secured. Circumstances are otherwise in the metropolitan police district. This district is many miles across ; outside the area roughly known as central London the chance of a casual hiring is small, except perhaps in one or two of the wealthier residential areas. Hence the London Cab Acts (if we may coin a collective short title for the jungle of statutory provisions stretching forward from 1831) have from very early days enacted that a cabman cannot be required to drive for more than six miles. The original object was probably twofold—mercy to the man and to his beast. The latter is defunct, but the cabman is still protected from being obliged to drive to a point where he is unlikely to find another passenger. Many people think that fixing the protection at six miles is out of date ; there are questions from time to time in the House of Commons, and representative bodies of cab owners have proposed modifications, but the drivers (both journeyman and owner drivers) have resisted change, and so far the six mile limit has continued. This has been expressed in differing language in the different Acts, but as it now works, in accordance with the Acts and decisions of the courts, it means that a cabman who is instructed to drive for more than six miles, whether by proceeding to a point more than six miles from that at which the hiring begins or to a point three miles and one yard away, returning in the same journey to the starting point, is entitled to refuse, and, if he agrees to be hired, he is entitled to make a special bargain : *Goodman* v. *Serle* [1947] 2 All E.R. 318; 111 J.P. 492.

There are some questions still unsettled by decision : for example the precise legal position if the cabman does not tell the passenger at the outset that the destination is further than six miles away, but when being paid makes a claim to more than the fare shown on the taximeter. It is part of the cabman's skill to know, more or less, what the distance is from place to place, apart from detours necessitated by road works or traffic diversions of which he had not heard. At any rate, he will usually have a better notion of distance than a passenger travelling along a route not familiar to him, who can hardly be sure whether the destination will turn out to be five and three-quarter miles away or six miles and a quarter. If nothing is said when the journey starts, can the cabman insist upon a special bargain

when the cab has gone six miles, *i.e.*, can he at that point of the journey force the passenger either to agree to pay extra or to alight?

Various suggestions have been made for resolving doubts in these arguable cases, but we will not go into them here, as we should like to mention a case (for which we are indebted to an Essex correspondent) that was heard in December at East Ham, and was said to be a test case. It is not quite the same as either of those we have just postulated, but illustrates yet another complication. There was some dispute on facts, but the cabman's version, accepted by the magistrates, was that the cab was engaged in Edgware Road to drive to Aldgate. This was less than six miles, and the taximeter on arrival at Aldgate showed a fare of 6*s.* 6*d.* The passenger then asked to be driven onwards to an address in East Ham, which is more than six miles from Edgware Road. On receiving this order, the cabman (without clearing his meter: *i.e.*, the journey was continuous) replied: "It will cost you double fare for the whole journey," to which (as the magistrates found) the passenger agreed. On arrival, the taximeter registered 14*s.* 3*d.*, so that, according to the cabman's bargain, £1 8*s.* 6*d.* was due from the passenger. The passenger first offered 15*s.*, and then refused to pay more than £1, so the cabman called a police constable as witness and in due course took proceedings in the magistrates' court for the civil debt. It appeared in evidence that the total distance traversed was 11 miles, so that the passenger, if sufficiently cunning, could perhaps have alighted at Aldgate, paid the 6*s.* 6*d.* (with or without the customary tip), and then, as soon as the cabman had reset the meter at zero, could have re-engaged him. If the passenger had been alert enough to do this before the cab had started to drive off, *i.e.*, when he was "standing" in the street, the dodge would have been effective, for the distance from Aldgate to East Ham is less than six miles. However, this was not what happened. The passenger said he had never paid more than £1 before for the same journey, which was perhaps an argument intended to show that the bargain (if made) was unreasonable, but his substantial defence was that he had not made the bargain. Why he should have asked first to go to Aldgate is not clear; it was after 11 *p.m.* when the journey started, so perhaps he thought the driver would be less likely to refuse than if he had asked for East Ham at the beginning. Upon the evidence, the magistrates made an order for the sum claimed, with £3 3*s.* costs, and allowed £6 6*s.* for an advocate's fee, so the journey turned out to be expensive. They also said that the charge of 28*s.* 6*d.* was in itself reasonable (it is to be borne in mind that the cabman found himself at East Ham after midnight), but this was, perhaps, an unnecessary statement, since that sum was agreed. The case still leaves open some questions above mooted, which not uncommonly arise; it is to be observed that it was not the cabman who called attention to the over-running of the six mile limit, but that the hiring was first for less than six miles and then, by agreement, was prolonged. Still, the decision does something towards clearing up the law.

CRITICISMS ON THE *DAILY MIRROR'S* BROCHURE ENTITLED "JUSTICE" ON THE METHOD BY WHICH MAGISTRATES ARE APPOINTED

[CONTRIBUTED]

The *Justice of the Peace* in its issue of December 4, 1954, "noticed" the publication by the *Daily Mirror* of a brochure called "Justice." In its notice the *Justice of the Peace* said:

"While we do not consider it at all likely or even desirable, that these recommendations should be generally acceptable without modification, we think they might perhaps provide a basis for some improvements in the present system."

The purpose of this article is to question the validity of the criticisms in the part of the pamphlet dealing with the method of appointment of magistrates. To sum up at the start, the pamphlet ignores the main difficulty in any system of appointment of magistrates and recommends a system which would intensify that difficulty.

The main difficulty is to find the right people—the sound independent decent man or woman without, as a rule, any great claim to fame and without any extreme views political or social who would regard being a magistrate as an opportunity for service and not an honour. Such a one is the very last person to be put forward or to get him or herself put forward by nomination by 10 of his or her fellows. A system of nomination would lead to political appointments and, worse still, to the appointment of "honour seekers," the sort who would be prepared to canvass for office.

Such a system would have the added disadvantage of precluding a committee who were faced with a list of unsuitable names from making independent inquiries and finding suitable people themselves.

The pamphlet goes on to suggest an appointing board of men or women who would from their descriptions probably all be over 65 years of age. The unfortunate applicant would have to appear and attempt to justify himself before these elderly people. He would then have to take an examination, thus ensuring, one can imagine, a strong bias in favour of the well-educated professional man at the expense of the manual worker who left school at 14 or 15.

The experience of some people who have seen advisory committees working is very different from the impressions collected by the authors of the pamphlet. The main advantage of keeping secret the names of the members of the committee is not that it prevents canvassing. It is that it enables the members at meetings to express their views about their friends, without restraint. Thus the liberal man on the committee is able to say freely that a certain liberal party leader who has been recommended by members of his party is, in reality, though an excellent party leader, quite unsuitable for office as a J.P. The writer of this article has not met the "agreement locally between the political parties on the appointment of magistrates" which is said in the pamphlet to be almost universal. It is the secrecy element in the present system which guards against this and enables the committee to concentrate on the qualifications of the individual for the office, to the exclusion of his politics—save for the obvious need to secure that the names put forward are not all of one political party.

The pamphlet talks of the need for more young magistrates. The writer's experience is that this need is very much to the fore. This brings the argument back to where it started. The difficulty is to get suitable young people recommended. The wage-earner has seldom made his way sufficiently until middle-age to be thought suitable by his fellows; even then, particularly

in an agricultural area, it is very difficult to get him released from his work even for a monthly appearance at court. The young man in a managerial job or in the professions is usually too busy "working up" his business or practice. Their wives are too busy looking after the children. Nevertheless painstaking advisory committees are managing to get younger people from the somewhat limited field that remains. The average age in the past three years for one committee (which may well be typical) is 46. Is this still too old?

If there are places where contrary to the writer's experience the present system works badly, the solution is not to alter the system for the worse but to take great care over the appointment of the chairmen and members of advisory committees who can, if they are conscientious, make the present system work well.

THE LOCAL BUDGET, 1955-56

[CONTRIBUTED]

Local authorities up and down the country will soon be considering, if they have not already started to do so, their annual estimates upon which the rates for the financial year 1955-56 will be levied. An early start upon this work has to be made by county councils in order that they may acquaint the county district councils of their intended precepts, to enable the latter to decide upon the actual rate to be levied before the start of the ensuing financial year. The county district councils and county borough councils begin to consider their own estimates rather later, aiming to complete the process and fix the rate for the ensuing year (or half-year as the case may be) during the month of March.

The first news of these activities may therefore be expected to trickle through in early or mid-February, when information about county precepts will be found in the press and the local government journals and, in some cases, may be heard in the B.B.C.'s regional news bulletins.

What are the prospects for 1955-56?

Before venturing to answer this question it is pertinent to look at the causes of the upward trend of rates in recent years and to inquire whether these causes are still operative.

The increase in rate poundages and, what is even more important, in rates levied per head of population, is due to the following main causes:

(1) The increased cost of carrying out the same services at the same standard due to the general rise in price and wage levels;

(2) The cost of expanding existing services and of improving the standard thereof;

(3) The cost of carrying out entirely new functions imposed upon local authorities by statute.

Against these must be off-set any increased income accruing to local authorities available to meet their expenditure, and savings due to any diminution of their functions, *e.g.*, by reason of the transfer of functions to the central government or to other bodies.

The general level of prices and wages continues to rise as demonstrated by the following table showing the United Kingdom Index of retail prices (with prices at June 17, 1947 taken as 100):

June, 1947	100
,, 1948	110
,, 1949	111
,, 1950	114
,, 1951	125
,, 1952	138
,, 1953	141
,, 1954	142

This steady increase affects the quantity of goods which can be obtained and the volume of work which can be done by a local authority for a given outlay of money, as it does any other concern or private individual.

Whilst there has been a temporary lull following the immediate post-war years in the imposing of new functions upon local authorities and the transfer away from local authorities of their existing functions, many authorities are still engaged in developing the extent and standard of their services in accordance with the requirements of the post-war social legislation. This is particularly true in the rural areas where there is leeway to be made up and where the people are now expecting the same standard of education, health and welfare services, including the provision of piped water supplies and modern systems of collection and disposal of sewage, as are to be found in any progressive urban area. In these rural areas such standards of service can only be provided at a relatively higher cost, chiefly because of the large areas involved, commonly referred to as the "sparsity factor."

No new sources of income have, generally speaking, accrued to local authorities beyond that occasioned by the slow natural growth of rateable values, nor are any likely to do so as far as can be foreseen in the immediate future. The re-rating of agriculture and industry is at present being discussed, but the government have given no indication that they are favourably disposed towards this measure.

The conclusion is, therefore, that no general reduction is to be expected in the expenditure estimated to be met by local authorities and consequently there can be no general reduction in their rate levies in 1955/56. It will be surprising if the upward trend demonstrated in the following figures, taken from *Rates and Rateable Values* published by the Ministry of Housing and Local Government, is not continued:

Average Rates in England and Wales

Year	Estimated Average Rate Poundage	Estimated Rates per head of the population
	s. d.	*£ s. d.*
1938/39	13 1	4 12 0
1947/48	17 10	6 10 0
1948/49*	17 5	6 8 0
1949/50	17 9	6 10 0
1950/51	18 0	6 11 0
1951/52	19 4	7 3 0
1952/53	20 1	7 10 0
1953/54	22 2	8 9 0

* First year of operation of exchequer equalization grant under Local Government Act, 1948.

It must be remembered that the above figures are averages and it may be that the rate of increase has been more or less violent in individual areas.

If this forecast of further increases in rate levies is correct, and it is difficult to see how it can be otherwise, there will be the usual outcry against the local authorities by irate ratepayers who enjoy

the services but not the paying. Any general criticisms of local authorities in this are without foundation and, to put the matter in proper perspective, one has only to look at the following figures :

(*a*) Average rates levied per head of population in England and Wales in 1947/48	£6 10*s.* 0*d.*
(*b*) U.K. Index of retail prices, 1947	100
(*c*) " " " " " 1953	141
(*d*) Average rates per head of the population in England and Wales in 1953/54 if rates had increased in the same ratio as the index of retail prices.	£9 3*s.* 0*d.*
(*e*) Actual average rates levied per head of the population in England and Wales in 1953/54	£8 9*s.* 0*d.*

It will be seen that the increase in rates levied per head of the population between 1947/8 and1953/4 is actually less than might have been expected. If we go back further, for example to the year 1938/9, when rates levied per head of the population were £4 12*s.* 0*d.*, and have regard to the increased index of retail prices since that date (at least 300 *per cent.*), it is found that, based on this ratio, the rates levied per head of the population in 1953/4 would have been £13 16*s.* and an average rate in the £ of some 40*s.* would not have been unreasonable.

Rate levies have been kept down to the present levels only by progressive increases in the aggregate of government grants to local authorities.

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Sir Raymond Evershed, M.R., Jenkins and Birkett, L.JJ.)

INSTITUTE OF FUEL *v.* MORLEY (VALUATION OFFICER) AND ANOTHER

November 10, 11, December 15, 1954

Rates—Exemption—Scientific society—" Purposes of science exclusively "—Purposes stated in constitution—Furtherance of interest of members—Scientific Societies Act, 1843 (*6 and 7 Vict., c.* 36), *s.* 1.

CASE STATED by Lands Tribunal.

The ratepayer, the Institute of Fuel, was incorporated by royal charter in 1946, the purposes of the institute being stated in its charter as follows : " (*a*) To promote, foster, and develop the general advancement of the various branches of fuel technology as an end in itself, and as a means of furthering the more scientific and economic utilization of fuel of all kinds for industrial, commercial, public, agricultural, domestic, transport and/or other purposes, and to promote, assist, finance, and support such industrial and scientific research, investigation, and experimental work in the economical treatment and application of fuel as the institute may consider likely to conduce to those ends and to the benefit of the community at large . . . (*d*) To uphold the status of members of the institute by holding or prescribing examinations for candidates for election and by requiring standards of knowledge and experience which can be approved . . . (*h*) To do all other things incidental or conducive to the attainment of the above objects or any of them." The institute claimed in the present proceedings to be entitled to exemption from rates as being a body " instituted for purposes of science . . . exclusively " within the meaning of s. 1 of the Scientific Societies Act, 1843. It was not disputed that fuel technology was an applied science, and, therefore, within the scope of the Act of 1843, but the valuation officer disputed that the institute was incorporated *exclusively* for the advancement or promotion of science.

Held, (i) the question whether a society was instituted for purposes of science exclusively within the meaning of s. 1 of the Act of 1843 must be determined by reference to the purposes of the society as defined by its constitution rather than the purposes it might actually pursue in practice.

(ii) (JENKINS, L.J., dissenting) the furtherance of the interests of members of the institute, as professional men practising fuel technology, was an object or purpose of the institute distinct and collateral, even though relatively subsidiary, to the more important object or purpose specified in para. (*a*) of the charter, and, therefore, the institute failed to qualify for the exemption claimed.

(iii) on the construction of the second part of the purposes of para.(*a*), *i.e.*, the persuasion of users of all kinds to put into practice the result of studies made by the institute and its members, SIR RAYMOND EVERSHED, M.R., expressed no opinion ; but BIRKETT, L.J., held (JENKINS, L.J., dissenting) that it was a commercial or social purpose rather than a scientific purpose. *Appeal dismissed.*

Counsel : *Michael Rowe, Q.C.*, and *F. A. Amies*, for the ratepayer ; *Lyell, Q.C.*, and *Harold Brown* for the valuation officer and the local authority.

Solicitors : *Philip Conway, Thomas & Co.* ; *Sharpe, Pritchard & Co.*

(Reported by F. Guttman, Esq., Barrister-at-Law.)

QUEEN'S BENCH DIVISION

(Before Lord Goddard, C.J., Cassels and Devlin, JJ.)

MAYNARD *v.* WILLIAMS AND OTHERS

December 14 and 17, 1954

Gaming and Wagering—Lottery—Football supporters' club—"Society established . . . for purposes not connected with . . . lotteries"—Betting and Lotteries Act, 1934 (*24 and 25 Geo. 5, c.* 58), *s.* 24 (1).

CASE STATED by Devon Quarter Sessions Appeal Committee.

Informations were preferred at a court of summary jurisdiction at Torquay by the prosecutor, Maynard, a police officer, against the appellants, Frederick Maurice Wolff, the chairman, and Leslie Williams and others, executive members, of the Torquay United Football Club Supporters' Club, for unlawfully using the club premises for purposes connected with the promotion or conduct of a lottery, contrary to s. 22 (1) (*f*) of the Betting and Lotteries Act, 1934. The justices convicted the defendants, and fined each of them £4, and the defendants appealed to quarter sessions

Quarter sessions found that the club's aims and objects were the welfare of the football club (a professional club), and for that purpose to obtain funds. The membership of the supporters' club was open to all persons without distinction, and the annual subscription was one shilling. Its membership exceeded 7,000. The activities of the supporters' club included social functions, all primarily aimed at raising money ; providing gatemen, stewards, and other voluntary services ; improving the amenities of the playing ground ; organizing arrangements for running the football club and transport for supporters ; maintaining and repairing playing kit ; and raising money by means of lotteries. In the course of the past five years the supporters' club had at times, in addition to its other activities, conducted lotteries for the express purpose of raising funds. From March to June, 1954, the supporters' club ran a weekly lottery. Tickets could only be obtained by members of the club on payment of one shilling, and about 5,000 tickets were sold each week. After deducting expenses, 60 *per cent.* of the receipts were devoted to prizes and 40 *per cent.* used by the club for the benefit of the football club. Being of opinion that the conduct of the lottery was only incidental and ancillary to the other methods and enterprises used by the supporters' club to carry out its declared purpose of helping the football club, quarter sessions allowed the appeals and quashed the convictions. The prosecutor appealed to the Divisional Court.

Section 24 (1) of the Act of 1934 provides : " . . . the expression ' private lottery ' means a lottery . . . promoted for, and . . . confined to either—(*a*) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries ; . . ."

Held (DEVLIN, J., dissenting) that, as it was part of the club's business to raise money by lotteries, the club was established for the purpose of conducting a lottery, and, therefore, the lottery was not a private lottery within the meaning of s. 24 (1). The appeal must, therefore, be allowed, and the convictions restored.

Counsel : *Solicitor-General* (*Sir Harry Hylton-Foster, Q.C.*), *Rodger Winn* and *J. T. Molony* for the prosecutor ; *Dingle Foot, Q.C.*, and *Kellock* for the defendants.

Solicitors : *Director of Public Prosecutions* ; *Arthur & Co.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

R. *v.* MINISTER OF HOUSING AND LOCAL GOVERNMENT. *Ex parte* FINCHLEY CORPORATION

December 16, 1954

Public Health—Private street works—Embankment maintained by Railway Executive—Demand by local authority to Railway Executive for portion of expenses—Appeal by Railway Executive to Minister—Jurisdiction of Minister—Public Health Act, 1875 (*38 and 39 Vict., c.* 55), *s.* 268.

APPLICATION for order of *certiorari*.

Heatherton Terrace, Squires Lane, in the borough of Finchley, was a road crossing by a bridge a railway line operated by the London Transport Executive. One approach to the bridge was by a slope, and on one side of the slope was an embankment which had to be maintained by the Transport Executive. The terrace was made up by the local authority, the Finchley Corporation, and they demanded from the Transport Executive approximately £900 in respect of the

embankment. The Transport Executive appealed to the Minister of Housing and Local Government by means of a memorial addressed to him under s. 268 of the Public Health Act, 1875, under which they stated themselves to be aggrieved because it was not right that they should be called on to pay the sum claimed. The Minister ordered that the Transport Executive's appeal should be allowed and that no amount should be payable by them to the corporation. The corporation obtained leave to apply for an order of *certiorari* to bring up and quash the Minister's determination, and it was contended on their behalf that the only question in the case was whether the Transport Executive were to be considered as owners of the embankment, and that, that being a question of law, the Minister had no power to decide it on appeal.

Held, following *R.* v. *Local Government Board* (1882) 47 J.P. 228, that the widest power was given to the Minister under s. 268 to decide what was fair and reasonable, and so he had power, on the appeal to him, to decide whether it was fair or equitable that the Transport Executive should pay for the works, and the application must be refused.

Counsel: *Squibb* for the corporation; *Rodger Winn* for the Minister; *H. A. P. Fisher* for the London Transport Executive.

Solicitors: *Lees & Co.*; *M. H. B. Gilmour, Solicitor, Ministry of Health.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law).

PETHERICK *v.* BUCKLAND

December 14, 1954

Road Traffic—Disqualification—Limitation to vehicles of "same class or description"—Limitation to vehicles of "size and capacity of five cwt."—Practice to be followed—Road Traffic Act, 1930 (20 *and* 21 *Geo.* 5, *c.* 43), *s.* 6 (1), *proviso.*

CASE STATED by Essex justices.

At a court of summary jurisdiction an information was preferred by the appellant, William Alfred Petherick, chief constable of Essex, charging the respondent, Peter James Buckland, with permitting a youth aged 17 to drive an uninsured delivery van "having the size and capacity of five *cwts.*" The justices convicted the respondent, and, being of opinion that there were no special circumstances, disqualified him for driving vehicles having the size and capacity of five *cwts.* for 12 months. The appellant appealed, and contended that there was no such class or description of vehicles as that which the respondent had been disqualified for driving.

Held, that, there being nothing in the Act which dealt with "description," or what it meant, or how it was to be prescribed, there was nothing in law to prevent justices from saying that a convicted person should not drive vehicles of a particular description, and the court would not interfere with the decision of the justices in the present case, but, in future, when justices were limiting disqualification under the proviso to s. 6 (1) of the Act, they should limit it to vehicles dealt with in a particular class under the Act or under a particular description in the regulations made under the Act.

Counsel: *F. H. Lawton* for the appellant. The respondent did not appear. As *amicus curiae* (for the Minister of Transport and Civil Aviation), *Rodger Winn.*

Solicitors: *Sharpe, Pritchard & Co.*, for *D. E. Morgan*, Chelmsford; *Treasury Solicitor.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

R. *v.* CHELSEA JUVENILE COURT JUSTICES. RE AN INFANT

December 13, 1954

Adoption—Amendment of order—Jurisdiction of magistrates—Adoption Act, 1950 (14 *Geo.* 6, *c.* 26) *s.* 21 (1).

APPLICATION for order of *mandamus.*

On June 20, 1951, the applicant obtained an adoption order in respect of a child said to be identical with a child referred to in entry No. 366 made on July 16, 1942, in the register of births for St. Pancras. The birth certificate related to a foundling found at King's Cross Station on Sept. 21, 1938, and stated to be then aged about seven weeks. The applicant now applied to Chelsea Juvenile Court under s. 21 of the Adoption Act, 1950, to amend the adoption order on the ground that it had been discovered as the result of medical and other evidence that the child was younger than appeared from the order, but the court took the view that they had no jurisdiction to entertain the application, and the applicant obtained leave to apply for an order of *mandamus* directing the court to hear and determine the application. By s. 21 (1) of the Adoption Act, 1950: "The court by which an adoption order has been made under this Act or the Adoption of Children Act, 1926 . . . may, on the application of the adopter or the adopted person, amend the order by the correction of any error in the particulars contained therein. . . ."

Held, that the words of the section being in the widest possible terms, the power given thereby was not merely in the nature of a slip rule, but gave the justices jurisdiction to amend the order, and *mandamus* must, therefore, issue.

Counsel: *H. Francis*, for the applicant; *Lawton*, for the justices; *Wrightson*, for the London County Council.

Solicitors: *T. D. Jones & Co.*; *Samuel Coleman*; *Solicitor, London County Council.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

R. *v.* GOVERNOR OF BRIXTON PRISON. *Ex parte* KOLCZYNSKI AND OTHERS

November 29, December 13, 1954

Extradition—Offence of "political character"—Crew of Polish fishing trawler—Political supervision—Desire of members of crew to escape—Trawler taken charge of by members of crew—Captain and other members of crew put under restraint—Duty of magistrate—Extradition Act, 1870 (33 *and* 34 *Vict.*, *c.* 52) *s.* 3 (1).

APPLICATION for *habeas corpus.*

In Sept. 1954, the applicant, Zygmunt Kolczynski, and six other Polish citizens were members of the crew of a small trawler fishing in the North Sea as part of a Polish fishing fleet. The captain was in charge of the navigation only. A political commissar and a party secretary, who was nominally an engineman, were really in control of the crew, though at the most material times the commissar had gone on board another of the trawlers. News that the brother of one of the applicants had escaped to England from one of the other trawlers came over the trawler's wireless, and from that moment that man was kept under special observation. Another fisherman was told by the political secretary to get rid of a picture of the Virgin Mary which he had over his bunk. His refusal led to a dispute. When the seven applicants were in conversation with each other, it was observed that the political secretary was listening and afterwards made a note. All that caused the applicants to arrive at the conclusion that, if they remained in the trawler until they reached Poland again, they would be dealt with according to the Constitution of the Polish People's Republic and the severity of Polish law would be applied to them. They, therefore, decided to take charge of the trawler and to steer her to an English port. To accomplish that, and in furtherance of the project, they barred the door of the water closet where the captain had gone for refuge, and they directed an assistant engineman to work the engine and put the other members of the crew under restraint. The political secretary showed fight, but he was overpowered, being slightly cut on the hand by a fisherman's knife. When the trawler reached Whitby, the seven applicants asked for political asylum. They were imprisoned, and the Polish government applied for the extradition of each of them for the use of force, depriving his superiors and other members of the crew of their freedom, wounding one member of the crew, damaging the trawler's wireless installation, and preventing the captain of the trawler from directing her, thus exposing the vessel to the danger of calamity at sea and the entire crew to loss of life. The Chief Metropolitan Magistrate, having considered evidence taken in Poland and that of the seven men, the British Ambassador to Poland from 1945 to 1947, a Press attaché during the same period, and a member of the staff at the British embassy in 1951 and 1952, came to the conclusion that the only object that the applicants had in mind was to leave their country, in which they suffered an intolerable sense of frustration and depression, and to seek a fresh life somewhere else, and that they achieved their object with the smallest amount of injury to persons and property, and he left the declaration of the law to the court dealing with the men's application for writs of *habeas corpus.*

By the Extradition Act, 1870, s. 3 (1) a fugitive criminal "shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the police magistrate or the court before whom he is brought on *habeas corpus* . . . that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character." The treaty between this country and Poland (signed in 1932) made a similar provision. According to art. 79, ch. 7, para. 2, of the Constitution of the Polish People's Republic: "Treason to the country consists of spying, weakening of the armed forces, going over to the enemy, and, being the gravest crime, will be punished with all the severity of the law." Treason being an offence of a political character, was not included in the treaty, but assaults and revolt or conspiracy to revolt on board a ship were included.

It was submitted on behalf of the applicants that, if they should be extradited, they might well only be tried for the offences for which their extradition was requested, but they would be punished as for an offence of a political character, and that offence was treason in going over to capitalistic enemies.

Held, that the words "offence of a political character" must always be considered according to the circumstances existing at the material time; that in the present case the applicants were under political supervision and revolted by the only means open to them; that they had committed an offence of a political character, and, if they were surrendered, there was no doubt that, while they would be tried for

the particular offence, they would be punished as for a political crime. For these reasons *habeas corpus* must issue.

Per Lord Goddard, C.J.: In the case of extradition proceedings it is the duty of the magistrate to determine on the whole of the evidence whether or not the offence is of a political character and also whether it is an extraditable crime.

Counsel: *Sir Hartley Shawcross, Q.C.*, and *Glanville Brown* for the applicants; the *Attorney-General* (*Sir Reginald Manningham-Buller, Q.C.*), and *Maxwell Turner* for the Crown.

Solicitors: *Chancellor Jaxa & Partners; Director of Public Prosecutions.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

MISCELLANEOUS INFORMATION

ADMINISTRATION AND THE LAW

The autumn lectures organized by the Royal Institute of Public Administration carried the general title *Public Administration and the Law*. In the first of the series Mr. R. W. Bell, LL.M., sought to define the legal element in administration. It lay, he thought, in the fact that the administrator, wherever he exercised discretion by virtue of a statute, added to the context of the law on the subject.

The connexion between administration and the law was fundamental: without law, there could be no administration. Unless we knew that goods would be delivered, employees arrive at work, and the fruits of our labours could be enjoyed, we could not begin to plan, to organize, or to administer. Because the law lay behind all business and could be invoked, most rights were respected and obligations fulfilled without recourse to it.

Public administration, said Mr. Bell, had the special feature that its exercise involved an extension of the law analogous to that made by the courts. This was true in a high degree of ministers and civil servants but also, in a lesser and more localized way, of local authorities. It was not true in the same measure of local government officers because for the most part local authorities themselves exercised the discretionary powers given by Parliament.

Local authority administration was more circumscribed than that of central departments, but for the ordinary citizen in the area and within the authority's jurisdiction what that authority decided *was* law. The law in any place, in this field, was what the authority would do and it might well differ from place to place. Mr. Bell even wondered whether it was legitimate for local policy to differ from central; on the one hand local authorities were directly elected and should have full freedom to put a gloss on a central policy, but on the other one was bound to feel uneasy when provisions which Parliament intended to be general were made effective more immediately in some areas than in others. Mr. Bell also doubted whether the different legal status as landlord of a local authority and a private person was justifiable.

On problems like these he thought a lawyer town clerk was valuable, because he was a statutory officer and had the duty if need be to dissociate his office from an unlawful proceeding.

Mr. G. D. Roberts, O.B.E., Q.C., recorder of Bristol, spoke on the criminal liabilities of public authorities. The old doctrine that a corporation, having no soul to be saved nor bottom to be kicked, should enjoy immunity from criminal prosecution was no longer accepted. Owing to commercial development over the past 120 years corporations had become so numerous that there would have been grave public danger in continuing to permit them to enjoy this immunity; it had now been established that they could be prosecuted in their own name and punished "where it hurt them most, in the corporate pocket."

The first innovation related to non-feasance, but in 1846 it had been extended to include mis-feasance as well. The modern principle was embodied in the Interpretation Act, 1889, which said that every statutory enactment relating to an offence should, unless a contrary intention appeared, include a body corporate.

A contrary intention might be gathered either from the nature of the offence—bigamy or perjury, for example, could not be committed by a non-natural person—or from the nature of the prescribed penalty—a body corporate could not suffer death or imprisonment.

Some of the offences for which public bodies had been convicted were then described—the West Mersey urban district council for omitting to provide a water supply, the Railway Executive for cruelty to sheep, or the Yorkshire Electricity Board for unauthorized building.

These procedures, Mr. Roberts maintained, had the unfortunate result that the real cost fell on a particular section of the community, like the users of electricity in a given area, who had no remedy against the corporate body (they could not dismiss the electricity board) just as shareholders might suffer, though innocent, because of the wrongful acts of directors whom they could not in practice control. The idea of the Crown being fined and having to pay the fines out of the public purse back into the public purse might seem Gilbertian but it might sometimes afford a salutary example.

Dealing with the civil obligations of public authorities, Mr. Harold Willis, Q.C., commented on the favourable position which they formerly enjoyed and of which they had been deprived by the Law Reform (Limitation of Actions, etc.) Act, 1954. The effect of this was to abolish the previous distinction between public bodies and other persons in so far as actions against the former must be started within six months of the cause of the action arising; public authorities were, in general, now subject to the same law as private persons or non-public corporate bodies. Such differences as remained were attributable to the statutory powers and duties conferred upon public authorities by Parliament.

Thus no action at common law would lie against a public authority for damages inevitably caused by a proper exercise of statutory powers, provided that due diligence was used to prevent damage to others.

When an authority had a power to act but was not under an obligation to do so, there was no right of action to compel it. The position when it had not merely a power but a duty and it failed to fulfil it was more complex: the legal remedy depended upon the particular statute. Thus if penalties were prescribed for breach of the statute (for instance, those relating to the safety of workpeople) this might exclude the right to remedy by civil action.

The position when a public authority exceeded its powers raised the doctrine of *ultra vires*. Mr. Willis remarked that powers might be express or implied; many things not prescribed by statute might be legitimately undertaken provided they were reasonably incidental to other objectives which were.

The familiar controversies about so-called "administrative tribunals" were freshly stated by Mr. R. M. Jackson in a lecture on "Tribunals and Inquiries." Perhaps the fact that Mr. Jackson, besides being a lawyer and a university teacher of some eminence, had experience as a civil servant during the war gave him the background knowledge which is lacking in many critics whose training has been only legal.

Contrary to the widely held view, said Mr. Jackson, none of the ways of settling a dispute consisted of a tribunal staffed by civil servants. Writers like Lord Cooper or Lord Justice Denning gave their readers the impression that, apart from the law courts, the only alternative was such a tribunal, but in fact there were six ways of dealing with disputes.

There were the traditionally established courts; arbitration tribunals; domestic jurisdictions of professional trade or social bodies like the Law Society or the General Medical Council; statutory tribunals (a bewildering list) manned partly by amateurs and partly by professionals—but not by civil servants; officials like district auditors who exercised jurisdiction vested in themselves and not necessarily carrying out a ministerial policy; and lastly officials acting on behalf of a minister like an inspector holding a public inquiry, though in reality this was not a tribunal since the decision would be taken not by the inspector but by the minister.

The term "administrative tribunal" was not specific enough to cover all this diversity. It was unfortunate, too, that Professor Robson, to whom everyone was in debt for drawing attention to the issues involved, had used the "disastrous" expression "Trial by Whitehall"; in fact many of the tribunals had been created so as to be completely independent of "Whitehall."

Nevertheless, Mr. Jackson agreed that it might ease the public mind if the appointment and dismissal of members of statutory tribunals were in the hands of the Lord Chancellor instead of those of interested ministers; yet even if this were done he believed the same kind of men would be appointed, nor would they be "stooges" of the minister.

The essence of an inquiry by an inspector under ministerial powers, Mr. Jackson maintained, was one of policy; the facts must be accurately ascertained and interested parties fully heard; but the point would be reached when the minister must reach his own decision on grounds of policy. This might explain what seemed to be the disregard of normal judicial procedure in such inquiries.

Sir Arthur Comyns Carr, Q.C., spoke on legal problems of public monopolies, but contended that, in the strict sense of the words, there were none: Parliament had created the nationalized industries in monopoly form and then, after lukewarm legislation about monopoly practices, had precluded the Monopolies Commission from having anything to do with them. Nevertheless there were problems akin

to the legal which arose from the creation and operation of public monopolies.

Each of them was handed over to a governing body of its own which was only to a limited extent under the control of Parliament, a minister, or anybody else. The minister could give it only general directions and there was no interference with administration in detail. These undertakings were thus contrasted with a body like the post office which was a state department subject to normal parliamentary supervision.

This constitutional feature raised the question how the consumer could secure a remedy if he disliked the service provided. The speaker believed that the only way was through consumer's councils and he implied that these were little known and ineffective.

A number of legal questions arose, the speaker went on, over the rating of these bodies. Technically they were not liable to pay rates but a lump sum in lieu ; whether this was more or less than their liabilities would be under normal rating conditions was not known because there had been no full valuation for so long.

Lord Justice Denning concluded the series in a lecture which sought to show how the law—by which he meant judge-made law—adapted itself to the changing needs of society. Certain basic principles remained firm and were unaffected by new statutes : *habeas corpus* protected a Pole on a ship in the Thames in 1954 just as it protected a black slave in Lord Mansfield's day ; houses belonging to the British Transport Commission were held to be within the rent acts just like those of any other owner ; the Yorkshire Electricity Board was punished for illegal building.

But innovations were made to meet new circumstances. Hospitals had been made liable for negligence to their patients. The Court of Appeal had quashed a decision of a compensation tribunal which it held to have been wrong in its interpretation of the law. These he gave as examples of new decisions designed to give protection to the Queen's subjects in changed conditions. He believed that justice would be more fully done if all tribunals had to give reasons for their decisions since this would facilitate their subsequent examination in the courts. Two other things he regarded as essential : first, that there should be some sort of administrative tribunal, consisting, say, of a judge with two assessors of administrative experience, having the power to inquire into questions both of law and fact raised in the decisions of all subordinate tribunals. The second was that law could only be kept in step with the needs of a developing community if there was co-operation between Parliament, the press, and the people.

HOSPITAL MANAGEMENT COMMITTEE

Mr. A. Blenkinsop raised the procedure for the appointment of hospital management committees on the motion for the adjournment in the House of Commons on December 2, 1954. Under the National Health Service Act, 1946, it is the responsibility of the Regional Hospital Boards to appoint hospital management committees after consultation with the committees themselves ; the health executive councils ; the local health authorities ; with senior medical and dental staffs in the hospitals served by the committees ; and with other organizations. Mr. Blenkinsop suggested that the regional hospital board should let it be known as to the approaches which are made before selecting members of the committees ; and, on representation, suggested that the Minister might give some advice as to the proportion of members who should be appointed from the nominees of certain bodies and particularly of the local health authorities.

The Minister of Health (Mr. Ian Macleod), replying to the points raised by Mr. Blenkinsop, agreed that there had been many complaints about the appointments to hospital management committees which did seem to him strange because about 10,000 people are involved in these appointments. Most of the complaints have however been political in origin. The Minister then gave a summary of the bodies which are consulted by the various boards and referred in particular to the survey covering three years of the North West Regional Hospital Board which included a full list of the bodies consulted and from whom it receives names. The Minister suggested that this example might well be followed by other boards. The report showed that in this area local health authorities had suggested 39 names from which 15 were appointed. Other local authorities had submitted 180 names from which 68 were appointed.

KIDSGROVE FINANCES, 1953/54

The urban district of Kidsgrove is part of industrial Staffordshire. It has a population of over 16,000 but a penny rate product of only £245 ; as two-thirds of all domestic hereditaments in the area possess rateable values not exceeding £10 the small sum produced by the penny rate is not at all surprising. Indeed, no less than nine-tenths of all domestic properties are embraced within the £13 or lower range of rateable values.

These are some of the interesting facts about the financial position of the urban district given by the treasurer, Mr. O. Lloyd Hurst, A.I.M.T.A., A.S.A.A., in the concise and informative abstract of accounts which he has published.

Exchequer grants under Local Government Acts are a vital part of Staffordshire finances, being equivalent to a rate of 23*s*. 2*d*. in Kidsgrove and enabling the district council to meet its obligations with a rate levy of 21*s*. There was, however, a deficit on the year's working of £7,200, mostly caused by the additional contributions necessary to balance the housing revenue account, and at March 31, 1954, the credit balance on the general rate fund was reduced to £5,800, a figure much lower than at any time since the war and one, Mr. Hurst states, which cannot be considered satisfactory.

The additional housing contribution required was £4,900 and the statutory contribution £7,100, a total of £12,000. The call on the ratepayers in respect of the 1,340 houses owned by the council was equivalent therefore to a rate of 4*s*. 1*d*. and the treasurer emphasizes that the time has now come when either the housing account must be balanced, presumably by raising rents, or an increased rate must be levied.

The council have implemented the Small Dwellings Acquisition Acts and advances outstanding from borrowers at the year end totalled £103,000.

Mr. Hurst has found short-term loans at from seven days to one month's notice cheaper than bank overdraft as a means of financing capital expenditure pending the raising of long-term loans, and £150,000 of such loans were raised during the year.

Net outstanding loan debt is £1,969,000 equal to £119 per head of population. Most of the debt (£1,821,000) is in respect of housing and is covered by assets charged in the accounts at £1,946,000. Average rate of interest charged by the loans pool increased to 3.3/16ths *per cent*.

REGISTRATION OF BIRTHS, ETC.

The Registrar-General, with the approval of the Minister of Health, has made the Registration (Births, Stillbirths, Deaths and Marriages) Consolidated Regulations, 1954 (S.I. 1954, No. 1596), dated November 29, which came into force on January 1, 1955.

These are consolidating regulations, and the amendments in the law are mainly of a drafting character and no change of substance has been made.

The following regulations are revoked :

The Registration (Births, Stillbirths, Deaths and Marriages) Consolidated Regulations, 1927 ; the Registration of Births Regulations, 1929 ; the Registration (Births, Stillbirths, Deaths and Marriages) Regulations, 1930 ; the Registration of Births, Stillbirths and Deaths Regulations, 1938 ; the Registration (Births, Deaths and Marriages) Regulations, 1946 ; the Birth Certificates (Shortened Form) Regulations, 1947, so far as they relate to applications for and the compilation of certificates to be issued by superintendent registrars and registrars ; the Industrial Assurance and Friendly Societies (Death Certificates) Regulations, 1949 ; the Adopted Persons (Births Entries and Certificates) (Amendment) Regulations, 1949 ; the Registration of Births, Stillbirths and Deaths Amendment Regulations, 1951 ; the Registration (Births, Stillbirths, Marriages and Deaths) (Fees) Regulations, 1952 ; the Registration of Marriages (Registrars) Regulations, 1952 ; the Registration (Births, Stillbirths, Deaths and Marriages) Amendment Regulations, 1953.

LORD BEVERIDGE ON THE WELFARE STATE

Lord Beveridge, at the recent annual conference of the British Hospitals Contributory Schemes Association, expressed his doubt about the term " Welfare State " which gave some people the impression that they could look to the State for all that they needed in the way of welfare. Some things that were needed for welfare must be done by the State, because otherwise they would not be done at all, but, in his view, much more should be done by private citizens for themselves and for their neighbours. Social insurance should guarantee to everyone the minimum required for subsistence without a means test but this left room for the individual to think for himself, to spend for himself and to save for himself, and it encouraged him to do so. He strongly commended hospital contributory schemes and was glad to see from the annual report of the association that there were now 39 schemes, with more than 3,500,000 members producing a total income of over £2,250,000. He explained that the essence of these schemes was that people paid weekly sums in order to obtain certain benefits, either by way of a cash allowance when the contributor was in hospital or maternity benefits and payments for convalescent homes. Some of the schemes had closely linked with them provident associations which enabled people to insure themselves for private wards in hospitals or nursing homes and for specialist services.

On the question of pay beds he said he would be sorry to see them abolished. If hospital treatment is not available now to all who need it the remedy is not to abolish pay beds but to abolish the queue which means either providing more hospital beds or making more economical use of those there are, such as by taking out of the hospitals some of the old people who do not need treatment, and also keeping the old people happier, so that they do not become sick. Turning to the broad subject of the co-ordination of the health services Lord Beveridge said the right way to do this was to have the local work of the Health Service done in health centres and he hoped there would be a great move towards their establishment.

A CASE UNDER s. 40, HOUSING REPAIRS AND RENT ACTS, 1954

The Islington Rent Tribunal on November 11, 1954, gave its decision on an application for increases of rent under s. 40 of the Housing Repairs and Rents Act, 1954. The landlords were represented by Mr. R. R. Davies instructed by Messrs. Clarke Lewthwaite & Co., solicitors.

A number of tenants appeared in person.

In announcing the tribunal's findings, the chairman, Mr. Harry Samuels, said :

"These are 38 cases brought by the landlords, the trustees of Mrs. N. D. Walduck Settlement Trust in respects of flats at Northview, Tufnell Park Road, N.7. The landlords apply for an increase in rent on the ground that the services provided have increased in cost since 1939.

The landlords have submitted the following summary of their claim :

	1939	1954	*Increase*
	£ s. d.	£ s. d.	£ s. d.
Fuel	123 19 2	425 1 9	301 2 7
Electricity	70 2 7	79 2 11	9 0 4
Porter/Caretaker ..	161 2 4	218 18 4	57 16 0
Boiler Insurance ..	8 15 0	12 6 0	3 11 0
Sundries	5 12 5	13 1 5	7 9 0
	£369 11 6	£748 10 5	£378 18 11
Plus increase in Fair Wear and Tear			56 6 0
			£435 4 11 *p.a.*

As regards the first item £301 2*s.* 7*d.*, the 1939 figure was taken on the basis of a ten-month consumption only and the proper figure is £292 9*s.* 3*d.*

On this item the tenants have said that they are not getting as good hot water service as pre-war. Counsel for the landlords referred us to an expression of opinion which had been published to the effect that a tribunal should not have regard to the extent to which the landlords were carrying out their obligations, that being a matter on which tenants had a remedy in the courts. That opinion, however, has no application to the present case, since some of these contracts expressly exclude the right of the tenants to sue in the court in the event of the service failing wholly or partially for any reason whatsoever. Further, all the contracts are silent as to the standard of the service to be provided, and so it is with 99 *per cent.* of such contracts that come before us. The tenants therefore in such cases would have no remedy for breach, so long as the landlords are providing a service, albeit of lower standard. In such a case, the duty of the tribunal under s. 40 being to determine what increase is just having regard to all the circumstances, it is difficult to see how, if a landlord is in 1954 providing a service which is of a substantially lower standard than he provided in 1939, this fact ought to be entirely left out of account. In the present case however we do not find as a fact that there has been a substantial lowering of the pre-war standard. The landlords have proved that they have incurred these increased costs for fuel, and the amended figure of £292 9*s.* 3*d.* is allowed.

As to the items £56 6*s.* and £3 11*s.*, the landlords say that the old boiler had worn out and had to be replaced in the intervening period. They claim that they are entitled to include in this account the amount which they would have to set aside annually in a sinking fund to replace the boiler and piping in 15–20 years' time as compared with what would have had to be set aside from 1939 for this purpose. It is said that piping costs have increased three-fold—the new boiler itself cost less than the old one. It is true that the piping is in connexion with the hot water service, but in our view it is part of the structure and we do not think that the item is one that is to be included in the term " increased cost of services."

We appreciate that this is a moot point, but this is the conclusion at which, right or wrong, we have arrived in this case after careful consideration.

As regards the item for porter/caretaker, the tenants are not satisfied with the present service, and there is evidence that the porter does less than his predecessor and what he does is not done as well. But it is a fact, and one not within the landlords' control, that one has often nowadays to pay more for a bad workman than one paid for a good workman before the war. The landlords have proved their increased costs under this heading.

The items for electricity used in the lighting of stairs and common parts and for sundries are allowed.

This makes a total figure for increased costs of £366 14*s.* 7*d.* as against the landlords' figure of £435 4*s.* 11*d.*

As regards the distribution of this increase over the individual flats, we think the most equitable method in this case is that those which have an additional living room should bear a somewhat higher proportion than the others. The rent will be increased in the former cases by £10 a year and in the others by £8 a year.

Miss G. H. Andrews speaking for the tenants said that they were grateful for the unbiased manner in which the hearing had been conducted and thanked the tribunal for its careful consideration of their case.

RETIREMENT PENSIONS CONDITIONS

An adjournment debate in the House of Commons on October 29, 1954, gave the Parliamentary Secretary to the Ministry of Pensions and National Insurance (Mr. Ernest Marples) an opportunity of explaining the retirement conditions for the receipt of pensions under the National Insurance Scheme. Section 20 of the National Insurance Act, 1946, requires a person to have retired from employment to qualify for the immediate receipt of a pension. He is treated as having retired (1) if he works only occasionally : (2) if he works to an inconsiderable extent : (3) if he works otherwise in circumstances not inconsistent with retirement. The National Insurance Commissioner has interpreted the second condition as meaning that the man does not work more than 12 hours a week or one quarter of the normal working hours whichever is more favourable to the applicant. He has also laid it down that the governing test is whether the work is inconsistent with retirement. In fact some persons intend to work and actually work more than 12 hours a week and may still be treated as "retired." The Commissioner has also said that the number of hours worked though material is not conclusive as to whether or not a man qualifies for retirement. Each case must be decided on its merits. The other test is the earnings rule in s. 20 (5) which provides that a person can receive his pension and earn up to £2 a week, but if he earns more than this amount in any week the pension for the following week is reduced by 1*s.* for every shilling of the excess earnings.

Further, as is explained in an appendix to the recently published report of an inquiry by the Ministry of Pensions and National Insurance, people who do not retire at the minimum pension age and continue at work can earn higher pensions and in the meantime sickness and unemployment benefit are available until retirement at age 70. The amount of the increased pension depends on contributions paid while working after the minimum pension age and until age 70 : for every 25 so paid before July, 1951, a shilling is earned ; for those paid after that date the rate is 1*s.* 6*d.* A married man earning increments on his own account whose wife is age 60 or over can earn increments to her pension on his insurance : he cannot earn increments for her while she is under age 60. If a husband predeceases his wife who is receiving a pension on his insurance, her whole pension, including any increments he has earned for her, is re-valued at the single person's rate, making her maximum possible pension 47*s.* 6*d.*

MENTALLY DEFECTIVE CHILDREN

At the annual meeting of the National Council of Social Service, Miss M. Applebey, O.B.E., secretary of the National Association of Mental Health, spoke of the short-stay home for backward children which has been provided near Liverpool by the National Association of Parents of Backward Children and is administered by the National Association of Mental Health. This was started because the associations were aware of the tremendous strains laid on parents with a seriously handicapped child who could not gain admission to hospital. It seemed that a holiday home in which such children could be placed for short periods would fulfil a real need ; that it would make tolerable the burden borne by the parents and would help local authorities by providing a temporary refuge for urgent cases. The scheme envisaged that all beds would be contracted for by one regional hospital board but before it was put into operation financial responsibility for short-stay cases was removed from the regional hospital boards and placed on local authorities. It was thus necessary to persuade not one board but many local authorities to provide financial cover for children going to the home which was opened in 1952. Later it was found that the difficulties were more administrative than financial. Instead of the fit happy children who had been expected it was found that 75 *per cent.* of them needed nursing care. Moreover, with the rapid turnover of delicate children, the dangers

of infection being brought into the home were far greater than had been foreseen. It was felt, however, that it would be wrong to refuse to take any child falling within the scope of the scheme, as the more difficult and the more handicapped the child, the greater the need for the services which the home can provide. The association believe that now the home has been operating for two years the need has been established for such a home. But difficulties of the experiment are such that local authorities and hospital boards have so far shrunk from undertaking anything similar. This is one of many examples of the useful pioneering work which can be done by voluntary bodies and it is to be hoped that their example in this instance will be copied elsewhere. The seriousness of the position is clear from the statement by the Minister of Health in the House of Commons on November 15 that at the end of September there were just over 4,000 mentally defective children awaiting admission to an institution. Many of these children must be putting an intolerable burden on their parents and so long as they have to look after them in their own homes it is most desirable that, in the worst cases at any rate, they should be able to get some temporary respite such as is afforded by the Liverpool home.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 4.

DO YOU USE HYDROGENATED ANIMAL FAT ?

Nottingham justices, on November 9 last, probably asked this question of their wives on returning home at the conclusion of the day's proceedings and doubtless enjoyed displaying their recently acquired knowledge as to the difference between this substance and lard ! Their knowledge was acquired during the hearing of a case in which a man and his wife, who carried on business together, appeared to answer an information laid by the chief officer of the Nottinghamshire county council under the Food and Drugs Acts. The information alleged that the defendants were persons due to whose acts a limited company committed an offence in respect of which proceedings might have been taken under reg. 1 (1) of the Defence (Sale of Food) Regulations, 1943, against the company, namely, that the company had given with certain food sold by them, a label which falsely described the food as " English refined lard." The said food being hydrogenated animal fat and the authority being satisfied that the offence was due to the defendants' act, and that the company could establish a defence under s. 83 (1) of the Food and Drugs Act, 1938, the defendants were charged with the said offence in pursuance of the provisions of s. 83 (3) of the Act, as applied by and to reg. 1 of the said Defence (Sale of Food) Regulations, 1943.

The defendants' firm was one of several through whose hands a consignment of " hydrogenated animal fat " had passed between the date of its manufacture and its arrival at a small retail grocer's shop.

The consignment passed to the defendants under the description " refined hog fat " but had been invoiced by them to a firm of produce merchants in Liverpool as " English refined lard." The defendants had labelled the containers with this description.

Thereafter, in each succeeding transaction, this description was retained until ultimately part of the consignment reached the retailer who, being dissatisfied with its quality, brought the matter to the notice of the local authority.

The defendants admitted that the fat was " hydrogenated animal fat," which was something quite different from and inferior to " lard." In their defence they relied upon s. 84 of the Food and Drugs Act, 1938, and endeavoured to pass the responsibility to the firm from whom they had received the fat. This firm, in a written warranty, had described it as " refined hog fat." This, the defence argued, meant " 100 *per cent.* refined hog fat," which they asked the court to say was " lard " by another description.

For the prosecution, the county analyst stated that, had he been in a position to buy " refined hog fat," even if it had been referred to him as " 100 *per cent.* refined hog fat," he would not have relabelled it " English refined lard." Because it had been called " refined hog fat " the chances were it was not lard. It would probably not be lard, otherwise it would have been called lard.

A representative of the firm to whom the defendants had sold the fat stated that the male defendant had explained to him before purchase that it was " refined hog fat " but this, to the witness, meant lard. He agreed to have it invoiced to his firm under the description " English refined lard " and had asked for the containers to be so labelled. The attention of the court was drawn to the Supplies and Services (Oils and Fats) Oils and Fats Order No. 210 of 1953. This order had ceased to have effect at the time of the commission of the alleged offence, but contained a definition of " lard," which the defence submitted was equally descriptive of " 100 *per cent.* refined hog fat."

The court decided to convict, and the male defendant who accepted full responsibility, was fined £20, and ordered to pay costs amounting to £25 18*s.* 9*d.* The female defendant was discharged absolutely on payment of 4*s.* costs.

COMMENT

This report should be read in conjunction with the article " What is Lard?" which appeared in the issue of November 27 last as a Note of the Week. Readers will feel, the writer thinks, that the prosecution selected the right defendants for clearly " English refined lard " is likely to prove a better seller than " refined hog fat." The case really turned upon the defendants' reliance upon s. 84 of the Food and Drugs Act, 1938, which, it will be recalled, specifies the conditions under which a warranty may be pleaded as a defence, and there can surely be no doubt that the court was right in rejecting the defence put forward under this section.

The definition of lard in the Oils and Fats Order of 1953 which has been revoked, does not appear to carry the case much further for " lard " is there defined as meaning rendered fat derived from a pig and having a melting point of not less than 25 degrees centigrade. The method by which the melting point is to be determined is specified in considerable detail in sch. 4 to the order.

Mr. G. D. Yandell, clerk to the Nottingham justices, to whom the writer is greatly indebted for this report, mentions that the hope expressed in the Note of the Week that perhaps there would be an appeal against the magistrates' decision, is not to be fulfilled. R.L.H.

No. 5.

A SATISFACTORY DECISION

An assistant master was acquitted at Loughborough magistrates' court on November 5 last, of five charges of common assault, the complainants being the fathers of five boys all of 13 years of age who attended a local council school.

The school had only just been opened and as parts of it were not yet completed the staff had instructions from the headmaster to preserve strict discipline in the corridors and on the staircases so as to prevent accidents whilst the contractors were still about the premises.

The defendant was taking a class of 37 boys from one part of the school to another, and as he walked behind the class, virtually all members of the class stamped their feet on a staircase in a concerted manner, thereby creating a disturbance. The defendant restored order and forbad a recurrence of the stamping, and on arrival at the classroom the defendant went to the front of the class to open the door, and, whilst his back was turned on the class either a single boy, or not more than one or two boys, stamped their feet again.

When the boys had all entered the classroom defendant called upon the culprit or culprits to step forward, and when nobody did so he told them that unless they did own up he would cane the whole class. Nobody did own up and defendant then gave every boy in the class a stroke of the cane on the backside. Still no boy owned up and similar warnings and punishments followed until every boy in the class had received four strokes of the cane.

The prosecution agreed that the extent of the strokes was moderate and occasioned nothing beyond tempofary discomfort.

The headmaster had delegated to defendant the power to inflict corporal punishment and no evidence was forthcoming as to the existence of any rules which forbad him to do so, or confined the power of punishment to the headmaster or forbad or restricted corporal punishment.

It was not suggested that defendant was motivated to cane by any wrong motive.

It was submitted by complainants' solicitor that though the defendant was *in loco parentis* by an assumed delegation of parental powers from each parent in respect of each boy, the power to cane must be confined to the punishment of a boy who was reasonably believed by him to be a wrong-doer, and that when defendant caned the entire class, he admittedly did not believe that more than one or two boys had stamped after his back was turned, and did not know who these boys were. His action was therefore arbitrary and unlawful.

It was submitted by defendant's solicitor that defendant, when *in loco parentis*, had a duty and right towards the class as a whole similar to that possessed by a father over a large family of boys : that a father might reasonably on occasion punish a whole family for the misdemeanour of one who would not own up : that the final stamping

and failure to own up was the culminating act of a series of acts of ill manners and indiscipline on the part of the whole class : and that the defendant being responsible for the discipline of the class as a whole had acted reasonably and lawfully.

The bench (which included one woman) said that in their view defendant had acted properly and reasonably in the interests of discipline and dismissed all the informations.

COMMENT

It is to be hoped that this decision will become widely known for there can be no doubt that if the cane was wielded more freely in council schools we should hear less of " Teddy Boys " and the virtues of discipline would be more widely recognized.

Teachers in elementary schools are frequently placed in an unenviable position by the knowledge that any disciplinary action they may take involving the use of the " stick " is likely to lead either to an assault at the hands of the father or mother of some little " horror " or to court proceedings of the nature reported above.

(The writer is greatly indebted to Mr. Malcolm Moss, clerk to the Loughborough justices for information in regard to this case.)

PENALTIES

Littlehampton—November, 1954. Driving a van carelessly. Fined £5. Defendant, a woman, collided with a small car after she was noticed to be brushing her hair with one hand.

Hythe—November, 1954. Operating an aircraft in a negligent manner. Fined £5, to pay £1 1*s.* costs. Defendant, an American woman air pilot of distinction, endeavoured to start an Auster aircraft on her own and crashed into a fence. Defendant said she had never before started an aircraft without someone helping her.

Taunton—December, 1954. Selling bread unfit for human consumption. Fined £8, to pay £1 10*s.* costs. An inch-long piece of wire was discovered in the bread.

Exeter—December, 1954. Stealing a tenor bell. Fined £100. The bell had been missing from a local church since an air raid in 1942. Defendant caused the damaged bell to be broken up and sold in pieces to local scrap dealers. Defendant was ordered to pay the fine at the rate of 30*s.* a week.

Sheffield—December, 1954. Under the influence of drink while in charge of a car. Fined £75, disqualified from driving for 25 years. Defendant, a 50 year old master builder and former well-known boxer, had previous convictions for similar offences.

Bedlington—December, 1954. (1) Smoking in a pit. (2) Having in possession in a pit three matches and two cigarettes. Fined a total of £15.

Bedlington—December, 1954. Being in possession of two cigarettes and seven matches in a pit. Fined £10. A search was made after an overman found cigarette ends and spent matches in a hauling house.

Manchester—December, 1954. Indecent assault. Five charges—fined £10 on each charge. Defendant, a 63 year old headmaster of a Church of England school, assaulted girl pupils.

REVIEWS

The Landlord and Tenant Act, 1954. By S.W. Magnus. London : Butterworth & Co. (Publishers) Ltd. Price 22s. 6d. net.

The Landlord and Tenant Act, 1954, received Royal Assent on the eve of the long vacation ; this handbook explaining its complicated provisions has been awaited eagerly, since it became known that it was to come out as a companion to the work issued by the same publishers, dealing with the Housing Repairs and Rents Act, 1954. Together these two Acts have a great effect upon the law of landlord and tenant, the one dealing (so far as its " rents " sections are concerned) mainly with houses governed by the Rent Restrictions Acts, and the other with business premises, and houses which for various reasons are not affected by those Acts. The book now before us follows the same pattern as the other, a pattern now established in publications by Messrs. Butterworth dealing with new legislation as it comes into force. There is a general introduction explaining the background to the Act, which in this case is especially interesting because a committee, under the chairmanship of the late Lord Uthwatt, was set up by the then Labour Government, and followed by a transitional Act introduced by that Government in 1951, while it has fallen to a Conservative Government to introduce permanent legislation at the end of the transitional period, upon the main lines laid down in the time of its predecessor. The introduction goes on to analyse briefly the changes now made, in relation first to residential tenancies and secondly in regard to business and professional tenancies. The Landlord and Tenant Act, 1954, is then annotated section by section, upon a pattern now familiar to the possessors of books in this series. It is followed by the text of the Landlord and Tenant Act, 1927, showing the changes made by the new Act. These are particularly important in relation to the troublesome topic (as it was before), of compensation for goodwill, and the distinction between the sorts of goodwill nicknamed dog, cat, and rat. Extracts from other Acts affected by the Act of 1954 are also printed, so far as is necessary to show amendments and, as is usual at the present day, there is an appendix of statutory instruments.

In daily legal practice it may be found that the changes in the law relating to business premises and the extension of the previous safeguards to professional premises (thus getting rid of an invidious and often unworkable distinction) will be the most important feature of the new Act, and it will be most useful to the practitioner to have Mr. Magnus's full notes to refer to. The same is true, no doubt, of the less frequently recurring problem, vital to those concerned when it does occur, of the continuance and renewal of long leases of residential property. Examining these notes, we find that for most of the cases cited references are given to alternative reports and also to the English and Empire Digest, a feature which will go far to offset any inconvenience caused by the absence of reference to reports in the table of cases at the beginning of the book.

The notes also give references to the stage of the Bill at which particular provisions were introduced ; these, and references to what was said in Parliament, are often helpful in the office or in chambers, in discovering what a new section or sub-section is intended to do, even though it will not govern interpretation by the courts.

The price of 22*s.* 6*d.* has been kept low ; looking to the complexity of most of the provisions of the Act, we advise that the book should be obtained by every practitioner and local government office.

Outlines of Industrial Law. Second Edition. By W. Mansfield Cooper. London : Butterworth & Co. (Publishers) Ltd. Price 30s. net.

The first edition of this book came out in 1947 ; in the intervening seven years there have been several statutes bearing on its subject matter and numerous decisions of the courts. The author is professor of industrial and commercial law in the University of Manchester, and has set out to provide a student's text book. At the present day the lawyer in private practice is likely to get as much work from topics within the learned author's general scope as from some of the more old-fashioned subjects, such as property law, because the volume and complexity of the law dealing with industrial relations has increased, while several causes have reduced the amount of conveyancing and old-fashioned litigation. Professor Cooper begins with contracts of service and apprenticeship, and the relation of master and servant with third parties, and proceeds to deal with industrial legislation in the more specific sense, such as the Factories Acts, the Shops Acts, and Acts relating to mines and quarries. He includes a chapter upon reinstatement in civil employment after national service, with a valuable collection of decisions by the umpire, and others upon wages, deductions from wages, and unemployment insurance, and on the National Insurance (Industrial Injuries) Acts, 1946 and 1953. Between these chapters is a lucid and most helpful summary of the law upon a master's liability for injuries to his servant, first at common law, and then under the Fatal Accidents Act and the now defunct Workmen's Compensation Act. The student ought to master this background before attempting to advise under the most modern statutes.

The book concludes with a chapter on trade unions and the settlement of disputes. Bearing in mind that this purports to be a student's work, and comprises fewer than 400 pages, it contains a notable amount of important information, including extracts from decided cases arranged in such a way as to show where possible the underlying principles. The duty of the master to provide a safe system of working, and the application of this duty in varying circumstances, is particularly well dealt with ; almost every week the newspapers have cases upon this, and the latest decisions of the High Court and the House of Lords are here brought into relation with the earlier law. It is the sort of book which the senior law student should master thoroughly, and which the practising lawyer will keep at hand. It will often supply him with the answer to day-to-day problems, without his looking further ; if for the purpose of the case before him he is obliged to go further, it will serve as a means of starting his researches.

The table of cases has complete references to reports and to the English and Empire Digest, so that the student can be instructed upon going to his sources, a matter to which we attach the utmost importance for tutorial purposes.

Trial of Christopher Craig and Derek William Bentley. Edited by H. Montgomery Hyde, M.P., Barrister-at-Law. London: William Hodge & Co. Ltd., 86 Hatton Garden, E.C.1. Price 15s. net.

This is number 81 in the Notable British Trials series, and follows the familiar pattern of an introduction relating the facts and discussing the legal questions involved, followed by a full transcript of the proceedings and other matter relevant to the case and accompanied by a number of illustrations.

The facts are still fresh in the memories of many people, and after two years discussion still takes place from time to time on the legal questions involved as well as on the justice or injustice of the results. Christopher Craig, who seems beyond doubt to have been the stronger personality and the leader in the enterprise of warehouse-breaking which led to the murder of Police Constable Miles, could not be sentenced to death, by reason of the fact that he was only 16 when the crime was committed. It was he who used a firearm repeatedly, while Bentley took no part in the actual shooting, but Bentley was 19, and he was sentenced to death and was executed in spite of the jury's recommendation to mercy, and in spite of considerable public outcry. The Lord Chief Justice, who tried the case, told Craig, when sentencing him to be detained during Her Majesty's pleasure, that he was the more guilty of the two prisoners, and that he would tell the Secretary of State, when forwarding the recommendation of the jury in Bentley's case, that in his opinion Craig was one of the most dangerous young criminals who had ever stood in that dock. There was a widespread belief among the public that Bentley would be reprieved. Mr. Montgomery Hyde, in his ablé introduction, discusses the considerations that must have been present in the mind of the Home Secretary when he had to take the difficult decision whether to recommend the exercise of the prerogative of mercy. It was a terrible crime, committed by youths who came from apparently good homes, and it is difficult to understand why they should have taken to housebreaking. Craig was filled with hatred towards the police because they had brought to justice his brother who received a long sentence. Both Craig and Bentley went out armed, evidently prepared to resist arrest, and neither showed any regret at the killing of the constable.

Some important legal principles were involved. Bentley was convicted of murder although it was admitted that he did not take part in the actual shooting. He was held responsible because he and Craig were engaged in a common enterprise, that of committing the felony of warehouse-breaking and were prepared to resist arrest by using violence. According to the police evidence he had called out to Craig " Let him have it, Chris," after breaking away from a police officer, whereupon Craig fired, wounding that officer. It was after this that Craig shot and killed Constable Miles, and it was attempted to show that as Bentley was already in charge of the police he could not be held responsible for the fatal shot. This raised the question of how long the common enterprise endures. This, says Mr. Montgomery Hyde, is a question which the courts have never previously had to consider in a case of murder, and he adds that the question whether a man has withdrawn from a common resistance and chosen to surrender to the police must be one of fact for the jury.

One good result may perhaps be attributed to this terrible tragedy. Mr. Montgomery Hyde says : " The trial of Craig and Bentley undoubtedly influenced Parliament in passing an important piece of legislation, the Prevention of Crime Act, which reached the Statute Book in 1953 . . . . There are grounds for believing that this action of the legislature is having a salutary effect on the 'cosh boy' and others tempted to commit crimes of violence."

Butterworths Costs. Third Cumulative Supplement. By B. P. Treagus and H. J. C. Rainbird. London : Butterworth & Co. (Publishers) Ltd. Price 17s. 6d. net.

This supplement brings the main work up to date as at October 1, 1954. Its editors are respectively a principal clerk of the Supreme Court Taxing Office and another member of the staff of that office, and they have had as collaborator Mr. Alfred Swift, deputy clerk of the peace for the county of London, who has contributed a section on costs at quarter sessions. The main work has established itself, as a publication to be kept regularly in use in solicitors' offices, and the present supplement supersedes the earlier supplements which appeared in 1952 and 1953. The method of using it is that which has been standardized for supplements to the major works issued by Messrs. Butterworth: that is to say, there is a noter-up with references to the main work page by page, and tables of statutes and cases with references to *Halsbury's Statutes*, and to all reports, including the *English and Empire Digest*. Everything required can therefore be found with ease.

In the interval between the two supplements which appeared in 1953 and the present supplement, there have been several decisions affecting costs under the Legal Aid and Advice Act, 1949, while the regulations for the purposes of that Act have been amended. By reason of the expansion of this topic and its importance to the practitioner the section on Legal Aid has been rewritten and appears in Part IV, containing extracts from the Act of 1949 and the regulations of 1950 and 1954, with specimen bills of costs under that Act. The above mentioned section of the book dealing with quarter sessions is Part III, and it covers prosecutions and appeals of all types. Here again there are precedents and several forms.

Among other matters noted up are the Rules of the Supreme Court (No. 2), 1954, which came into operation on September 1, and the Rules of the Supreme Court (Summons for Directions, etc.) Rules, 1954, which came into operation on October 1. The effect, so far as costs are concerned, has been duly noted. Another point which is noted is that local authorities are now placed in the same position regarding costs as an ordinary litigant, the last trace of the Public Authorities Protection Act, 1893, having disappeared. The main work (which is in two volumes) and this supplement together cost £7 10s. net. Stated simply as the cost of one work this looks a lot of money, but the possible amount lost to a solicitor by mistakes in the realm of costs is so much greater that purchase of the work and its latest supplement is as obvious an economy as a winter overcoat.

Police Law. By Cecil C. H. Moriarty, C.B.E., LL.D., formerly Chief Constable of Birmingham. Thirteenth Edition. London : Butterworth & Co. (Publishers) Ltd., 88, Kingsway, W.C.2. Price 12s. 6d. net, by post 10d. extra.

The fact that this book, which was first published in 1929, has already reached a thirteenth edition proves that it has filled a constant need. The twelfth edition was published as recently as last year, but new legislation has made necessary a considerable amount of revision and addition. Of the new Acts perhaps the most important are the Licensing Act and the Road Transport Lighting Acts.

One of the many merits of this book is the way in which statutory provisions are summarized so as to present the law in the most concise form without sacrifice of accuracy. It is easy to read and must prove a great help to police officers as a work of reference or as a student's book for those who are preparing for examinations.

As might be expected, many of the questions dealt with in our practical points columns come from police officers of various ranks. We are often impressed by the evidence they show of sound knowledge and by the clear statement of the points involved. We suspect that the study and use of such a book as *Moriarty* have something to do with this, and once again we recommend it, with confidence that none who use it will be disappointed.

Focus on Road Accidents. By Barbara Preston. Public Affairs News Service, Mitre House, 44-45, Fleet Street, London, E.C.4. Price 7s. 6d. net.

The problem and the tragedy of road accidents are always with us, and perhaps we are sometimes in danger of regarding them as inevitable. That is not the right attitude of mind, and fortunately there are many bodies, official and unofficial, constantly trying to find ways of reducing the terrible loss of life and limb for which road accidents are responsible.

Mrs. Preston has brought together a great deal of information, statistical and otherwise, and has presented it in the form of a short book illustrated with a number of graphs and tables. She is in no doubt about the value of a speed limit in built up areas, and she is convinced that local propaganda is more effective than national. She discusses the problems attaching to various types of vehicle, and the question of tests for drivers about which she gives some useful particulars relating to other countries and the tests of fitness, including medical tests which they require. Besides all this, suggestions are made about possible improvements in the law and its enforcement, and what could be done to improve matters in various ways without legislation is indicated.

Mrs. Preston has done a public service in writing this book, which must have involved much investigation as well as much thinking. It is right that we should emphasize above all else the human suffering caused by death and injury on the roads, but Mrs. Preston does well to remind us that there is also a cost in money that is really startling. This, she says, is now estimated to be over £100 million a year in Great Britain. She rightly contends that money spent in such a way as to reduce road accidents would probably result in a financial gain and that to turn down even comparatively inexpensive improvements simply because the country cannot afford them is economically unsound.

Moore's Practical Agreements. Ninth Edition. By J. Watson-Baker and T. L. Dewhurst. London : Butterworth & Co. (Publishers) Ltd. Price 47s. 6d. net.

The fact that this collection of precedents, prepared originally by Mr. H. Moore and afterwards revised by several learned editors, has now reached a ninth edition may be taken as evidence of its utility in practice. There are large standard works containing elaborate precedents (particularly for the conveyancer) and the practitioner in any branch of the law will have his own preference among these, above all if he is himself a specialist. The general practitioner, however, wants something in convenient shape covering all ordinary matter with which he is likely to be confronted, and even the lawyer who specializes in a particular topic will from time to time require a precedent on some other topic. This sort of need is admirably met by *Moore*.

Some old precedents have been omitted as being no longer useful, and new precedents have been brought in, dealing with matters which are now important, such as hire purchase, and compromises under the Inheritance (Family Provision) Act, 1938. The precedents formerly quoted under the heading " Miscellaneous " have been separated under separate titles, and under each title they are serially numbered, which will make for easy reference. Footnotes are included where necessary, but the learned editors have wisely tried to keep these as short as possible. One of the matters to be found throughout in footnotes, because it is essential to remember it, is the stamp duty on each type of agreement. There are also references to statutory provisions and case law, where necessary.

The work was apparently completed just too early to take account of the Law Reform (Enforcement of Contracts) Act, 1954, and the practitioner will accordingly have to remember this when he comes across references in the footnotes to s. 4 of the Statute of Frauds, 1677, or s. 4 of the Sale of Goods Act, 1893. These sections, however, do not come into the book otherwise than incidentally, and we do not think that the repeals effected by the Act of 1954 affect the substance of the precedents. This omission is in the particular case not serious, and it is the only adverse criticism we feel called upon to make. We are impressed with the admirable completeness of the collection, meeting all the ordinary circumstances of business life as the practising lawyer comes across it, and also with its usability. By contrast with certain larger books of precedents, where the alternatives and references from one form to another have in course of years assumed the character of a jig-saw puzzle, we have been pleased to find that any one of the suggested agreements in this book could be taken into use with a minimum of adaptation.

An Introduction to International Law. By J. G. Starke, B.C.L., LL.B. Third Edition. London : Butterworth & Co. (Publishers), Ltd. Price 32s. 6d. net.

We reviewed the second edition of this work at 114 J.P.N. 541. Since 1950, there have been developments in international law, notably in relation to coastal rights of maritime states, and the assertion of a state's right to grant " asylum " in new circumstances. Mr. Starke duly puts these developments on record, as also the strange situation in the Korean conflict when the United Nations was, as such, a belligerent party and some of its members neutral. It is too soon to have worked out all the implications of that situation. We should have liked to see some mention of the case of the Ecrehous and Minquiers before the International Court, which we discussed at 118 J.P.N. 38, perhaps this came too late to be included. There was also the important judgment of the Supreme Court of the United States in the matter of the Texan sea shore ; although this was not strictly an " international " dispute, the rights of other states than the U.S.A. were incidentally involved, and in years to come the case may well become an international precedent. However, no book can include everything, and Mr. Starke's work in his new edition is, within the limits he has set himself (as we explained then in reviewing the earlier edition), admirably adapted to the purposes of the teacher and the student. For those purposes, we are confirmed in our previous opinion, that it is the best handbook now available.

The Law of Road Traffic. By M. R. R. Davies. London : Shaw & Sons, Ltd., 7, 8 and 9 Fetter Lane, E.C. 4. Price 30s. net.

This book by a member of the bar who has other academic qualifications and considerable experience is put forward as a legal guide to the provisions, principles and cases of Road Traffic Law with special reference to the position, obligations and liability of owners and drivers of motor vehicles and other road users. It has a foreword by Professor Goodhart, K.B.E., Q.C., who states that the author's clear statement of the existing law will help all those who seek to understand one of the most important and most difficult social problems of the day.

There is a good table of contents, tables of statutes and cases, and an index which seems to be concise but satisfactory.

The book is divided into four parts as follows :

Part I Obligations of Vehicle Drivers Generally.

Part II Specific Road Traffic Offences and Manslaughter Indictments.

Part III Civil Law Principles Relating to Motor Vehicles and Road Traffic Generally.

Part IV Road Traffic Insurance.

We agree that the author has given his readers a very clear statement of the matters covered by the book, and if one or two matters are not mentioned which some other author might have included we do not think this is a valid criticism of a book which covers so wide a subject that it is quite impossible not to reject some matters in order to keep the book within reasonable limits. One statement with which we do not agree is that relating to the speed of a motor car towing a trailer because it implies, as we read it, that any motor car towing a two-wheeled trailer can travel lawfully at 30 miles per hour, whereas if the motor car is a goods vehicle the maximum permitted speed is 20 miles per hour.

We like the way the author gives the effect, at the appropriate places, of relevant cases. This will make the book a useful one for quick reference in emergency. Careless and dangerous driving and " drunk-in-charge " are dealt with in some detail which is justified by the importance of these cases to those concerned in them. We do not think anyone will regret buying this book. Although it is by no means the only one on this important subject, it deals with it in a new way. The author claims that the law is stated as at August 1, 1954.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review

From **Sir Carleton Allen, Q.C., D.C.L., J.P.**

DEAR SIR,

May I venture to express the hope, which I am sure has come to you from other quarters, that your current articles on literary obscenity will be published in pamphlet form. They are, if I may say so, far the best things which have appeared on the subject and I should like to make the suggestion, though it may be superfluous, that if the articles are reprinted there might be some expansion of cases which are referred to and which made some stir in their day but which are not to be found in the Reports.

Yours faithfully,
C. K. ALLEN.

114 Banbury Road,
Oxford.

NEW YEAR HONOURS

KNIGHT BACHELOR

Crocker, William Charles, lately president of the Law Society.

ORDER OF THE BRITISH EMPIRE

C.B.E.

R. P. Baulkwill, Assistant Public Trustee.

J. Bulman, lately chairman, executive council, Urban District Councils Association.

Colonel W. F. Henn, chief constable, Gloucestershire.

G. S. McIntire, town clerk, Sunderland.

J. J. McIntyre, Rural District Councils Association.

M.B.E.

J. Ball, superintendent and deputy chief constable, St. Helens Borough Police, Lancs.

R. Board, deputy town clerk, Cheltenham.

A. S. Pointing, assistant chief constable, Somerset Constabulary.

QUEEN'S POLICE MEDAL FOR DISTINGUISHED SERVICE ENGLAND AND WALES

S. Ballance, chief constable, Barrow-in-Furness Borough Police Force.

W. J. Ridd, chief constable, West Suffolk County Constabulary

A. E. Needham, chief constable, Doncaster Borough Police Force.

H. Beaumont, commander, Metropolitan Police.

A. Allen, detective chief superintendent, Sheffield City Police Force.

A. E. Evans, chief superintendent, Glamorgan County Constabulary.

A. G. Mack, superintendent (I), Metropolitan Police and staff officer to Her Majesty's Inspector of Constabulary.

F. E. Gillies, superintendent (I), Metropolitan Police.

A. E. Clark, superintendent, North Riding of Yorkshire Constabulary.

A. E. West, superintendent, Devon Constabulary.

W. B. Jenner, superintendent, Northumberland County Constabulary.

PERSONALIA

APPOINTMENTS

Mr. Kenneth James Priestley Barraclough was sworn in on December 20 as a metropolitan magistrate at the Royal Courts of Justice. Mr. Barraclough, who was called to the bar by the Middle Temple in November 1929, practised on the North Eastern Circuit.

Lieut.-Colonel J. F. E. Stephenson, aged 43, who was called to the bar by the Inner Temple in 1934, has been appointed recorder of Bridgwater, Somerset, in succession to Mr. Norman Skelhorn.

Mr. Richard Brian Snowden has been appointed town clerk of Clitheroe, Lancs. He has been town clerk of Hythe, Kent, since February, 1952, prior to which he was deputy town clerk of Leigh, Lancs. (1948-1952), following service with the borough of Morecambe and Heysham, Lancs., and Walton and Weybridge, Surrey, urban district council as assistant solicitor (1946-1948). Mr. Snowden will commence duty in Clitheroe early next year. He succeeds Mr. Gerald Hetherington, who has been town clerk of Clitheroe since July, 1934, prior to which he was for a short time town clerk of Bacup, Lancs., and before that, assistant solicitor with the borough of Colchester, Essex.

Superintendent Glyn Davies, deputy chief constable of Worcester, has been appointed chief constable, in succession to Mr. E. W. Tinkler, who retires at the end of January.

Mr. Guy Clement Turk has been appointed deputy town clerk for Greenwich in succession to Mr. Harold Whetstone, recently promoted to town clerk.

Mr. J. Forder, assistant solicitor to the West Hartlepool county borough council, has been appointed deputy clerk of the Havant, Hants., urban district council, commencing his duties on January 17, 1955.

Mr. Ronald Jack Meddings, senior assistant solicitor to Wolverhampton corporation, is being recommended as deputy town clerk, in succession to Mr. S. M. Gore, whose new appointment as secretary of the London Electricity Board was announced at 118 J.P.N. 822. Mr. Robert Thomas David Williams, the present second assistant solicitor, is being recommended for the post of senior assistant solicitor. Mr. Meddings was admitted in 1947 ; Mr. Williams in 1949.

Mr. Arthur W. W. Bright, F.R.V.A., has been appointed president of the Rating and Valuation Association for the year 1954/1955. Mr. Bright served local government in the borough of Shrewsbury, Salop (his home county), the borough of Bebington, Cheshire and the county borough of Birkenhead, Cheshire, prior to being appointed valuation officer at Bebington as from February 1, 1950.

Mr. W. Dawson has been appointed coroner of Winslow, Buckinghamshire, in succession to Mr. P. Wood, who is retiring.

Chief Inspector C. W. Phillips of Bexhill has been promoted superintendent in charge of Lewes division, East Sussex police.

Mr. Geoffrey Morris, LL.B., is leaving private practice in Wrexham to take up the appointment of assistant solicitor with the county borough council of Dudley, Worcs., a position previously held by Mr. Ernest Roy Griffiths, M.A., B.C.L., who has taken up a similar position with Leicester county council.

Mr. P. A. Draisey, formerly assistant solicitor to the Harrow, Middlesex, borough council, has been appointed assistant solicitor to the borough of Hendon, N.W.4.

Chief Inspector Eric Chadwick of Hyde, Cheshire, has been appointed chief inspector for Bromborough, in the same county, in succession to Chief Inspector J. Potter, who has been promoted to superintendent and will transfer to the Chester headquarters, where he will be in charge of administration, in the New Year.

Mr. Frederick Vincent Dale was appointed principal probation officer for East Norfolk probation area on December 10. He was formerly senior probation officer, before the regrading of the supervisory officer's post in the area, led to his present appointment. Mr. Dale joined the East Norfolk probation service from the Surrey probation service in September, 1946, and was appointed senior probation officer for the area in November, 1949. Mr. Dale holds a Diploma in Economics and Social Science (London University).

Mr. Arthur Low has been appointed a whole-time probation officer for the combined area of Durham county. Mr. Low is 45 years of age, and entered the probation service in 1949, when he was appointed a whole-time probation officer in the city of Glasgow. He will be assigned to the Bishop Auckland area of the combined probation area.

Miss E. H. R. Montgomery has been appointed woman probation officer for the city of Leicester as from January 1. She previously served as a probation officer in Leicester from December 1, 1948 until April 30, 1951, doing all her practical training in that city. At the time of her new appointment, Miss Montgomery was a serving officer in London. She succeeds Miss Christine Falcon, B.A., who has resigned as from January 28, owing to her forthcoming marriage.

RESIGNATIONS AND RETIREMENTS

Mr. William Marston Reece Lewis is retiring after 42¼ years' whole-time service as clerk to the city of Nottingham justices. He was admitted in August 1924, and appointed first whole-time clerk to the justices for the county borough of Doncaster. In 1933, Mr. Lewis was appointed first whole time-clerk to the Bath city magistrates, and in 1938 first whole-time clerk to the Nottingham city justices. He has served on the council of the Justices' Clerk's Society. Mr. Lewis is succeeded by Mr. G. D. Yandell. He was admitted 15 years ago, having been articled to a London firm. In 1946, he was deputy clerk to the justices of the Gore division of Middlesex, and in 1951, he was appointed clerk to the justices for the petty sessional division of Nottingham and Bingham, which court sits at the Shire Hall, Nottingham.

Mr. Walter Briaris Farmbrough has resigned as deputy town clerk of Aylesbury, Bucks., and has become senior assistant solicitor for Messrs. Wimpey's. Mr. Farmbrough, who has been employed by Aylesbury borough council since 1938, was admitted in October, 1932.

Chief Superintendent John H. Barker, head of Liverpool city police department, is to retire on January 14.

Mr. A. S. Gent, assistant clerk to the Wimbledon, Surrey, magistrates for 25 years, has retired.

OBITUARY

Councillor T. Alan Stuchbery, former mayor of Maidenhead and coroner for the district, has died at the age of 58.

MAGISTERIAL MAXIMS, XIX

Of a Time, there was a Certain Clerk to Lay Justices, who, Although not Unpossessed of Ability, could Never Resist the Opportunity of Relating to his Fellow Clerks, whenever he Chanced to encounter them, or any one of them, with a Wealth of Detail, tedious in the Extreme to the listener, the Facts of Cases which had come before his Court, involving, as he Believed, Difficult and Abstruse Points of Law which he had been Called Upon to Resolve : And, with ill concealed Pride, of how HE had Resolved them most skilfully to the dumbfounding and dismay of the Counsel or Solicitor who had Put them forward.

Not content with this, he was Also wont to Expound, at equally Great Length, of how he had Put an Outspoken Justice in his Proper Place, some times, it would appear, in a Not Too Kindly Manner, to the Satisfaction, as he would Allege, of All other Justices, though the Listener was Sometimes left with the Disturbing Impression that the only Real Satisfaction felt was by the Worthy Clerk himself.

As Time progressed, what had been Accepted by his Brethren of the Clerkship as an Amusing Foible, became an Intolerable Bore, and in Places where Clerks would Foregather, many were the Sanguinary Comments passed upon his Disturbing Habit, and when he would Appear, a Dignified, but, none the less Deliberate, Retreat would be made by those aware of his Failing.

For though the True Clerk to the Justices, as an official is, on the whole, and despite Certain Judicial Structures, a Conscientious Official having more than a Passing Interest in his Task, yet there are Occasions when he wishes, for a While, to be but an Ordinary Individual, and enjoy his Mead of Alcoholic, or more Innocuous, Refreshment without having to listen to What Someone else did to Somebody else in Some Other Place.

It was with this Thought in Mind that certain of the Companions of the Learned Gentleman of whose Odd and Unpleasant Attribute this Maxim relates, decided, one Gay and Festive Season, to send to him an Illuminated Text by way of a Card of Christmas Seasonal Greetings. After some Cogitation, it was Decided to let him have an Engrossed and Illustrated copy of the Classical Tag : MAJOR SUUM QUAM CUI POSSIT FORTUNA NOCERE : Which any Unorthodox Classical Dictionary will Render in a More Modern Tongue as " WHO SHOOTS A LINE MUST KNOW ALSO HOW TO DRAW THE LINE." Certainly not as " A Merry Christmas and Happy New Year."

As one elderly Clerk put it, in good sound Latin, " He who considers himself an Oracle should recollect that even Delphos was Sometimes Silent," to be followed by a Younger and More Irresponsible Colleague, in English, saying " Who Keeps a shop should not FOR EVER cry his wares."

AESOP II.

LEGAL HISTORY

When the Unicorn, on being introduced to Alice, observed that he had always thought children to be fabulous monsters, he was only giving a graphic illustration of the Berkeleyan hypothesis which regards things as having no existence save in so far as they are the subjects of mental perception. In other words, there is no objective difference between fact and fiction; it all depends upon the point of view. Students of metaphysics may see nothing strange in the theory; but it must be extremely rare for a Court of Law to be faced with the duty of deciding whether or not it has any real existence. Such, *inter alia*, was the curious problem that arose last term, when the case of *The Lord Mayor, Aldermen and Citizens of the City of Manchester* v. *The Manchester Palace of Varieties, Ltd.* was heard before the High Court of Chivalry.

This august Tribunal is unfamiliar to the ordinary practitioner both in its activities and in its composition. Its members are the Earl Marshal, the Surrogate (a title which seems to be an *alias* of the Lord Chief Justice), and the Officers at Arms—Rouge Dragon, Lancaster, York, Bluemantle, Somerset and Chester. Not for two hundred years had such a galaxy of heraldic luminaries been assembled on the judgment seat; and the occasion was made more memorable by the unique nature of the preliminary questions submitted for their decision. First, was the Court itself obsolete, yea or nay? If nay, had it been shorn, by common law or statute, of its jurisdiction and powers? The Surrogate, in his judgment, answered all these questions in the negative; but only after an interesting excursus into the meaning and effect of two statutes of Richard II, the opinion of John of Gaunt (who, regrettably, was not available to give oral evidence but whose testimony is recorded in a case of 1385), and two decisions of 1692. The tone of the discussion was set, during the argument, by the Surrogate's question whether Counsel for the defence meant to imply that all the previous decisions of the Court had been illegal, to which he received the matter-of-fact reply—" No, only those since 1521."

The subject-matter of the dispute was, in comparison, quite prosaic. By their libel the Manchester Corporation propounded that they had been incorporated by Royal Charter in 1838, and obtained two grants from the Heralds of the day " of certain arms and supporters to be borne and used for ever thereafter "; and that at certain dates in 1953 and 1954 the defendants " had publicly, before many worthy persons," displayed on a pelmet in their auditorium, without the leave and licence and contrary to the will of the plaintiffs, " representations of the said arms, crest, motto and supporters, and had also displayed on their common seal the same representations, contrary to the laws and customs of arms." The remedy sought was injunction, though the plaintiffs " might have asked for the offending arms to be brought into Court and torn up "; and dark hints were dropped about incarceration " in the private prison of the Earl Marshal." There was a learned discussion on the Norman-French wording of the Statute of 13 Richard II, cap. 2, particularly the expression *fait darmes*, which might have reference, thought Counsel, not to armorial bearings, but to deeds of arms performed at jousts or tournaments. There was a note of candour in the Surrogate's admission—" I do not understand Norman-French very well "; and perhaps a tinge of regret in his reminder that Ordeal by Battle had been abolished by the decision in *Ashford* v. *Thornton* (1818) 1 B. and Ald. 405. Having regard to the paucity of modern precedents, this *Manchester Corporation* case was one where almost anything might happen; and but for this timely reference to an authority a mere 136 years old, nobody could have been very much surprised if the litigants had adjourned to the Central Hall of the Royal Courts of Justice to decide the issue on horseback, in full armour, with lance and broadsword in the lists.

The hearing was not without its brighter implications. Much of the discussion turned on the distinction between the case of one person who plagiarizes the armorial bearings of another, and the case of a man who devises a new coat of arms for himself, based on entirely original ideas of his own invention. The Palace of Varieties had adopted the former alternative; but suppose, said the Surrogate, they had chosen the latter: " They might have invented their own arms, having as supporters two clowns *rampant*." This suggestion opens up a whole vista of delightful possibilities—a lady in tights, *couchant*, being sawn asunder, with her various parts distributed in the four quarters of the escutcheon; an acrobat, *salient*, on two parallel bars; or a performing seal, *regardant*, balancing a ball on its nose, surmounting the punning motto *Locus Sigilli*. The unpopularity of any particularly obnoxious member of the cast could be subtly conveyed by the inclusion of the Bend Sinister, which carries an innuendo we need not enlarge upon.

Not to be outdone by the High Court of Chivalry, the High Court of Parliament has also been delving into the fertile soil of historical tradition. The honourable member for Maldon recently asked the Secretary of State for the Home Department " whether he was aware that the Charter granted to his constituency in 1171 confirmed the Borough's existing rights of infangenetheof, hamsocn and blodwite," and called attention to the contrasting powers of the neighbouring Hundredgemot of Dengie, originally ordained by King Alfred. The Home Secretary, with great presence of mind, assured the honourable gentleman that he had been into the matter with some care, and that his researches had been rewarded with the discovery of further references to " nam, graff, fythwythe and grethbeg." It is to be regretted that he should have impaired the magnificently devastating effect of this esoteric pronouncement by adding—" I hope no honourable member will ask me what they mean, because I have not the faintest idea."

Now that this fresh controversy has been started, we may look forward to more interesting litigation on matters of jurisdiction. We have frequently pondered over the vexed questions of the exact purview of the Courts of Shepway, Brotherhood and Guestling and the Court of Vice-Admirals of the Coast; the relative precedence of the Courts of Attachment, the Court of Swainmote and the Court of Regard; the differences between the Courts of the Staple and of Pie Poudre, and the Manorial Courts of Ancient Demesne, Baron and Leet. Any or all of these vital matters may become practical issues at any moment, and every practitioner will be well advised to settle down to some painstaking research into the more recondite pages of his legal history, so that he may not be caught napping when the occasion arises.

A.L.P.

BOOKS AND PUBLICATIONS RECEIVED

A.B.C. Guide to the Practice of The Supreme Court Supplement. By D. Boland, M.B.E. London: Sweet & Maxwell, Ltd. Price 1*s.* 6*d.*

Income Tax in the Central African Federation (The Federation of Rhodesia and Nyasaland). By A. S. Silke. Capetown, Wynberg and Johannesburg: Juta & Co., Ltd. Price 75*s.* net (including voucher for free commentary on 1955 tax legislation).

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Criminal Law—*Obtaining credit by fraud or obtaining property by false pretences—Obtaining insurance cover note with no intention to pay premium.*

A is the owner of a motor car. In January, 1954, he obtained a cover note from an insurance company B, solely for the purpose of enabling him to obtain a road fund licence for his motor car. He did not subsequently pay the premium or effect any insurance with the insurance company.

In April, 1954, A repeated his conduct with insurance company C and in July, 1954, with insurance company D. It is understood that he has admitted having obtained the cover notes from the insurance companies concerned for the purpose stated.

We have been consulted as to whether in such circumstances charges of:

(*a*) obtaining credit by fraud or false pretences, contrary to s. 13 (1) of the Debtors Act, 1869; or

(*b*) obtaining a chattel or valuable security by means of false pretences, contrary to s. 32, Larceny Act, 1916, could be preferred.

We are unable to find any case law in point and would appreciate your views on the matter and in particular whether a cover note is a "valuable security" within the meaning of s. 46 of the Larceny Act, 1916. JISKE.

Answer.

In our opinion the appropriate charge is that of obtaining credit by fraud. The repetition of the same procedure may be proved in support of the allegation of fraud as showing that the defendant when obtaining credit had no intention of paying the premium. If the company had known his intention they would have refused to give him a cover note until he had paid the premium, and therefore it can be charged that he obtained the credit by fraud.

With regard to a charge of obtaining the cover note by false pretences there are two difficulties. It would be said that there was no false pretence as to an existing fact, but only a misrepresentation as to future action, and the definition of "valuable security" does not appear to warrant the inclusion of such a document as a cover note.

2.—Husband and Wife—*Maintenance order in respect of child—Enforcement when parties residing together.*

A married woman who, although living in the same house as her husband, had been occupying a separate room and living practically a separate life, obtained the custody of and a maintenance order in respect of her three children early in February last. No order was made in favour of the wife personally. As she was unable to obtain another house immediately, she continued to reside in the house tenanted by her husband until May 13, 1954. For the greater part of the period the husband paid nothing under the order and eventually the wife took proceedings. The facts are almost identical in *Evans* v. *Evans* [1947] 2 All E.R. 656, and on application by the husband, the magistrates decided that the order was unenforceable. I feel some doubt about this because the wording of s. 1 (4) of the Summary Jurisdiction (Separation and Maintenance) Act, 1925, refers to a married woman "with respect to whom the order was made." Admittedly the order stated that the husband was to pay the money to the wife for the maintenance of the children, but on the wording of the section I felt that it was not intended to apply to circumstances such as these, where there was no order in favour of the wife personally. I should be pleased to know your opinion. T. "PETER."

Answer.

An order under the Summary Jurisdiction (Separation and Maintenance) Acts for the maintenance of a child is an order in favour of the wife, *Kinnane* v. *Kinnane* [1953] 2 All E.R. 1144; *Starkie* v. *Starkie* (No. 2) [1953] 2 All E.R. 1519. In our opinion it must therefore be treated as an order with respect to the wife and we think s. 1 (4), *supra*, applies.

3.—Licensing—*Club on licensed premises—No supply of intoxicating liquor by club but sale by licence holder—Whether (a) registration necessary; or (b) club room (being the hotel billiard room) must be closed on Sundays.*

A members' club has been formed and has taken a lease of the billiard room of a fully licensed hotel, of which the club is to have exclusive possession for use of members and their guests. It is intended that alcoholic liquor should be consumed on the club premises, but only liquor supplied by the licensee of the hotel on individual orders of members. The club will have no property in the liquor. Will you please advise:

1. Whether the club need be registered.

2. Whether there is any objection to a club having a lease of part of "licensed premises."

3. Whether the club room (which has a billiard table) should be closed on Sunday. ODDY.

Answer.

1. The fact that the club does not intend to supply intoxicating liquor to members or their guests removes the club from the provisions of s. 143 (1) of the Licensing Act, 1953. Therefore, registration is unnecessary.

2. Subject to s. 32 (1) of the Licensing Act, 1953, which requires two rooms to be available for the accommodation of the public, there is nothing to prevent an agreement giving the club exclusive use of the room for the general purposes of the club; but a "lease" hardly seems to be appropriate. The licence holder will naturally desire that the room shall continue part of his licensed premises, for otherwise his authority to sell intoxicating liquor in the room would cease. There may not, in any case, be alterations which cut off the room so as to remove it from the licence holder's "occupation" without the consent of the licensing justices (Licensing Act, 1953, s. 134 (1); *R.* v. *Pontypridd Licensing JJ., ex parte Ely Brewery Co., Ltd.* (1948) 112 J.P. 396).

3. Section 13 of the Gaming Act, 1845, enacts that on Sundays, Good Friday and Christmas Day "every billiard room in every house specified in every victualler's (now described as 'publican's') licence shall be closed." For as long as the proposed club room is the "billiard room" the situation seems to be governed by this provision.

4.—Magistrates—*Practice and procedure—Committal for trial—Considering evidence given by and on behalf of the accused.*

Section 7 of the Magistrates' Courts Act, 1952, states "... if a magistrates' court inquiring into an offence as examining magistrates is of opinion, on consideration of the evidence and of any statement of the accused, that there is sufficient evidence to put the accused upon trial by jury for any indictable offence, the court shall commit him for trial; and, if it is not of that opinion, it shall, if he is in custody for no other cause than the offence under inquiry, discharge him."

1. Does this mean that the court must consider not only the evidence for the prosecution but also (if any) the statement of the accused and the evidence for the defence before deciding whether or not to commit for trial, or can the court decide that there is or is not a "*prima facie* case" immediately upon the conclusion of the evidence for the prosecution, and before asking the accused if he wishes to make a statement or give evidence and call witnesses.

2. If the latter procedure is correct and the court at the conclusion of the evidence for the prosecution is of opinion that there *is* sufficient evidence to put the accused on trial, would they be justified on hearing evidence from the defence to change their minds in the light of that further evidence and at the conclusion of the inquiry discharge the accused? S. FYNN.

Answer.

We do not think that the Magistrates' Courts Act, 1952, and the Rules have changed the procedure. Section 7 of that Act must be read with r. 5 of the Rules. We dealt with a similar point, under the previous Acts, at 117 J.P.N. 143, P.P. No 12, and we adhere to the opinion there expressed.

1. To comply with r. 5 (3) the court, unless it then decides that the evidence for the prosecution does not justify committal, must read to the accused the charges which that evidence supports before giving him the right to give and to call evidence.

2. In rare circumstances, yes, but *see* the answer to the P.P. referred to above.

5.—Public Health Act, 1936—*Clearance of drains.*

The view has been expressed that the local authority has no statutory power to provide a free service for the clearance of stopped-up house drains, and to meet the expenses of such a service out of the general rate fund. Such a service has been provided locally for some years in the interests of public health, and on request by tenants or landlords. In a recent instance, however, when a drain was cleared at a tenant's request, the landlord subsequently alleged that the

workman concerned had damaged his property and had indeed been on the premises without authority.

The expenditure incurred annually in providing this service has never been questioned by a district auditor.

In your opinion—

1. Should the local authority discontinue the provision of a free service in the absence of express statutory authority?

2. If so, would they be advised to provide the service in the interests of public health, but only on request by landlords and in return for an appropriate payment to cover expenses?

3. Alternatively, should the authority rely on the provisions of the Public Health Act, 1936 (s. 92 (1) (*a*) and (c) as to nuisance; s. 48 as to powers of inspection; and the abatement procedure with power to recover expenses in case of default)? DARLAO.

Answer.

1. We agree that there is no direct statutory authority, but the council must have the tools ready, and workmen able to use the tools, when they step in under the nuisance sections of the Act of 1936. Until the district auditor of his own motion or at the instance of a dissentient ratepayer disallows the expense, we think the council should continue the service. In the long run it will save the costs of legal proceedings.

2. The work should be done on request from tenants or landlords. Typically the tenant is the person liable under the nuisance sections. Every tenant is entitled to call in a plumber; under a properly drawn lease the tenant is indeed bound to do so, when necessary to prevent nuisance. The landlord cannot complain of this, but of course he can if damage is done. In conformity to our answer to 1, we regard insistence on payment as false economy.

3. *See* above.

6.—Public Health Acts Amendment Act, 1890, s. 37—*Safety of club stand—Inspection and insurance.*

This section states that a football stand amongst others "shall be safely constructed or secured to the satisfaction of the surveyor of the urban authority." An application has been received from the local football club to inspect the stand and for purposes of their third party insurance policy to pass it as being safe for the use of the public. Is the surveyor of the council required to inspect and give an appropriate certificate on the request of the football committee at any time? If so is the local authorit, entitled to charge the cost of such an inspection? C.I.E.T.

Answer.

The surveyor cannot be "required" by the owner of the stand to do this, but it is his duty to his employer, the local authority, to make such inspection as will satisfy him in terms of the section, and enable him to give evidence in the event of a prosecution under subs. (2). We see no objection to the council's informing the football club or their insurance company, as a matter of fact, that the surveyor has inspected the stand and was satisfied that it was at the time of inspection safely constructed and secured. No charge can lawfully be made for the inspection, or for this statement. The section says nothing about a certificate, and in our opinion it is undesirable to give one. The insurance company should employ an independent professional adviser for their own purposes.

7.—Road Traffic Acts—*Disqualification until test passed—Subsequent driving without passing test (a) on provisional licence without "L" plates or competent driver, (b) with no provisional licence.*

The Road Traffic Act, 1934, s. 6 (3) enables the court before which a person is convicted of dangerous or careless driving, to order him to be disqualified from holding or obtaining a driving licence until he has subsequently passed a driving test. Section 6 (4) goes on that notwithstanding the provisions of s. 4 (6) and s. 7 (4) of the Road Traffic Act, 1930, such person shall be entitled to obtain and hold a provisional driving licence and to drive a motor vehicle *in accordance with the conditions subject to which the provisional licence is granted.*

The Road Traffic Act, 1930, s. 4, penalizes with a fine a person who drives without a driving licence and the Motor Vehicles (Driving Licences) Regulations, 1950, provide under reg. 16 that the holder of a provisional licence shall be accompanied by a competent driver and that the vehicle shall display "L" plates. A fine is the punishment for disobeying the regulations. By s. 7 (4) of the Act of 1930, imprisonment must be imposed, unless there are special circumstances, if a person drives while disqualified from driving.

A and B are convicted of careless driving and each is disqualified from driving until he has passed a test pursuant to s. 6 of the Act of 1934. Neither takes the test. A, who has taken out a provisional licence, is detected driving a car without "L" plates and without a competent driver with him. B, who has not taken out a provisional licence, is detected driving a car alone and without "L" plates.

1. Has A commited the offence of driving while disqualified or only the offences against reg. 16, *supra*?

2. Has B committed the offence of driving while disqualified or only the offence of driving without a driving licence, contrary to s. 4 of the Act of 1930?

Please give reasons for your opinion. JUDE.

Answer.

In our view both defendants commit the offence of driving whilst disqualified because by s. 6 (4) of the 1934 Act the prohibition in s. 7 (4) of the 1930 Act and the penalty for a breach apply to both of them except as modified by s. 6 (4) (*a*) of the 1934 Act. Therefore, until they have passed a test neither of them may drive *except* whilst holding a provisional licence *and* in accordance with the conditions subject to which that licence is granted. Driving in any other circumstances brings them within the provisions of s. 7 (4) of the 1930 Act.

8.—Road Traffic Acts—*Driving mirror—Interior mirror—Back window of car completely blocked by parcels.*

I should be grateful if you would give me your valued opinion on the following point:

Is an offence committed against the above regulation when a motor car, fitted with an internal mirror, is being driven along a road and the driver is prevented from using his mirror owing to an accumulation of packages in the rear of the car which completely obscure the rear window?

A case in point on these lines has raised an issue, presumably on interpretation of the words "if he so desires" in the above regulation.

I should also be grateful if you would acquaint me with any case details in which this issue may have been considered in the past. JINKY.

Answer.

We answered a similar question at 112 J.P.N. 707, P.P. No. 9, and we adhere to that answer, substituting reg. 16 of the 1951 Regulations for reg. 15 referred to in that answer.

We think that a driver cannot avoid compliance with reg. 16 by saying that he never desires to become aware of traffic to his rear and therefore does not need a mirror.

We do not know of any relevant case.

9.—Town and Country Planning—*Development agreement under former planning scheme—Scheme revoked—Failure of consideration.*

A development agreement executed in 1940 under a (then operative) planning scheme provided for the development of an estate by the erection of 29 houses. The building owner agreed, in consideration of lay-out planning permission, and the inclusion in the agreement of a provision for (i) indemnifying him against future street work charges in respect of an incidental widening of the adjoining highway, and (ii) relaxing the building line:

(*a*) to dedicate for inclusion in the highway (for the widening) a strip of land which required levelling and accommodation works by the developer, 1,250 *ft.* long and of varying width, and

(*b*) to dedicate to the public use from the time of the execution of the agreement a strip of land 10 *ft.* wide and 240 *ft.* long to be afterwards maintained by the council as an accommodation highway giving access to a public open space at the rear of the estate.

There was no conveyance of the two pieces of land, or financial consideration. The town planning scheme was revoked by the Town and Country Planning Act, 1947, and the agreement was not continued in force by sch. 10.

The development of the estate was not completed by the appointed day (July 1, 1948) and the county council, after a public inquiry, refused development to the extent of four houses. A purchase notice served under s. 19 of the Act of 1947 was confirmed, naming the county council to acquire, but the building owner was dissatisfied with the handling by the county council of his compensation claim, and contemplates steps to "reclaim" the 10 *ft.* strip of land giving access to the public open space, on the ground that the agreement, and therefore the dedication of the 10 *ft.* strip with it, is null and void by the passing of the Act of 1947, thus permitting him to close this access, in the absence of payment by the district council, as though a conveyance for consideration had occurred.

Would you please say whether, in your view, the dedication of 1940 conferred a title upon the council, being less than 20 years ago, inasmuch as the agreement which contained it has by the Act of 1947 not been perpetuated. Has the council any rebuttal or means of countering this step, if taken by the building owner, presumably by stopping-up or otherwise closing the access to the public open space, with or without notice to the council? A. NEMESIS.

Answer.

We think not. As we understand the rather complicated story, the strip of land was thrown open to the public in accordance with an agreement which has not been fulfilled on the council's side. We cannot see an answer to the owner's claim.

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BOROUGH OF HARROW

Appointment of Assistant Solicitor

APPLICATIONS are invited for this appointment at a salary in accordance with A.P.T. Grades IV/V (£675—£900 per annum, plus London Weighting). If the successful candidate has had two years' legal experience from date of admission his commencing salary will not be less than £735 per annum, plus London Weighting.

Candidates should be experienced in conveyancing and advocacy ; and experience in local government, including planning law and committee work, is desirable.

Forms of application are obtainable from the Town Clerk, Harrow Weald Lodge, Harrow, Middlesex, to whom applications should be sent not later than January 15, 1955.

BOROUGH OF ACTON

Appointment of Two Law Clerks

APPLICATIONS for these appointments one in Grade A.P.T. III (£600 to £725) and the other in Grade A.P.T. I (£500 to £580) plus appropriate London " weighting " (maximum £30 per annum) are invited from men and women with good practical experience of legal work.

Candidates for the higher-paid post should be capable of undertaking routine conveyancing under supervision. For the other appointment, preference will be given to candidates with experience of procedure in county and magistrates' courts and knowledge of the register of local land charges.

The commencing salaries will be fixed according to the experience and qualifications of the persons appointed. *The possibility of offering free articles of clerkship to one of them will be sympathetically considered if desired.*

Application forms may be obtained from, and must be returned to the Town Clerk, Town Hall, Acton, W.3. by January 24, 1955.

Canvassing will disqualify.

H. C. LOCKYER,
Town Clerk.

Town Hall,
Acton, W.3.

HAMMERSMITH

ASSISTANT SOLICITOR. Commencing salary £675 per annum (plus London " weighting ").

Application form, returnable by January 24, 1955, from Town Clerk, Town Hall, W.6.

COUNTY BOROUGH OF DEWSBURY

Town Clerk's Department

APPLICATIONS are invited for the appointment of Assistant Solicitor. Salary scale £675/£25/£725—£765/£30/£825. Commencing salary to be fixed according to experience.

Last day for receipt of applications January 24, 1955.

Further particulars can be obtained from the undersigned.

A. NORMAN JAMES,
Town Clerk.

Town Hall,
Dewsbury.
December 29, 1954.

COUNTY BOROUGH OF DURHAM

ASSISTANT SOLICITOR required. Salary will be within the Scale £675—£825. Local Government experience not essential. Medical examination.

Canvassing will disqualify.

Applications, with names of two referees should reach me by January 29, 1955.

J. K. HOPE,
Clerk of the County Council.

Shire Hall,
Durham.

COUNTY BOROUGH OF BLACKPOOL

Appointment of Assistant Solicitor in the Department of the Town Clerk

APPLICATIONS are invited for the superannuable appointment of Assistant Solicitor in the Department of the Town Clerk, at a salary in accordance with amended A.P.T. Grade IV of the National Scale of Salaries. Experience and qualifications will be taken into account in fixing the commencing salary within the Grade.

Previous Local Government experience essential. Advocacy desirable.

Further particulars, conditions of appointment, and form of application, may be obtained from the undersigned.

Completed forms of application should reach me on or before January 22, 1955.

TREVOR T. JONES,
Town Clerk.

Municipal Buildings,
Town Hall Street,
Blackpool.

HAMPSHIRE COMBINED PROBATION AREA

Appointment of a Full-time Female Probation Officer

APPLICATIONS are invited from persons who have had experience and/or training as Probation Officers for the appointment of a full-time Female Probation Officer for the above area. Candidates must be not less than 23 nor more than 40 years of age (except in the case of serving officers).

The appointment and salary will be in accordance with the Probation Rules and the salary will be subject to superannuation deductions.

Applications, giving particulars of age, education, present salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than January 20, 1955. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Secretary of the Probation Committee.

The Castle,
Winchester.
December 23, 1954.

CITY OF SHEFFIELD

SHEFFIELD MAGISTRATES' COURTS COMMITTEE

Appointment of Assistant Solicitor

THE Magistrates' Courts Committee invite applications for the whole-time appointment of Second Assistant Solicitor in the office of the Clerk to the Justices.

The salary will commence at £980 per annum rising by annual increments of £40 to £1,100 per annum.

The appointment will be superannuable and will be subject to one month's notice on either side.

The successful candidate will be required to pass a medical examination.

Applications, with details of age, date of admission, qualifications and experience, accompanied by copies of not more than three recent testimonials, must reach the undersigned by January 22, 1955.

LESLIE M. PUGH,
Clerk to the Committee.

The Court House,
Castle Street,
Sheffield, 3.

INQUIRIES

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. *(Contd.)*

CHAILEY RURAL DISTRICT COUNCIL

Appointment of Clerk of the Council

APPLICATIONS are invited from Barristers, Solicitors and other persons with suitable Local Government experience for the appointment of Clerk of the Council.

The salary will be at the rate of £1,150 per annum, rising by annual increments of £52 10*s.* to a maximum of £1,360 per annum.

The appointment will be subject to :

(*a*) The conditions of service recommended by the Joint Negotiating Committee for Town Clerks and District Council Clerks.

(*b*) The provisions of the Local Government Superannuation Acts.

(*c*) A satisfactory medical examination.

(*d*) Three months' notice in writing on either side.

Applications are to be made on forms which can be obtained from the undersigned and should be returned not later than January 31, 1955.

Canvassing directly or indirectly will be a disqualification.

A. F. PERKINS,
Clerk of the Council.

Council Offices,
Lewes House, Lewes.

COUNTY BOROUGH OF WOLVERHAMPTON

Appointment of Second Assistant Solicitor

APPLICATIONS are invited for the above appointment on New Salary Grade A.P.T. VI (£825—£1,000). Commencing salary according to experience. Appointment is subject to National Conditions of Service, to Superannuation Acts, and to medical examination, and is determinable by one month's notice. The duties include attendance at Committees as well as general legal work.

Applications, stating age, qualifications and experience, and giving names of two referees, to reach me by Tuesday, January 25.

A. G. DAWTRY,
Town Clerk.

Town Hall,
Wolverhampton.

COUNTY BOROUGH OF BOURNEMOUTH

Appointment of Justices' Clerk

APPLICATIONS are invited from those qualified in accordance with s. 20 of the Justices of the Peace Act, 1949, for the appointment of Clerk to the Justices for the County Borough of Bournemouth.

The population of Bournemouth is about 140,000 and the salary payable will be within the appropriate Scale applicable to Justices' Clerks.

The post is superannuable and subject to a medical examination.

Candidates should have extensive experience in all the duties of a Justices' Clerk.

Applications, endorsed "Justices' Clerk" and stating age, qualifications and experience, together with copies of two recent testimonials, must reach the undersigned not later than January 31, 1955.

T. D. WHALLEY,
Clerk to the Magistrates' Courts Committee.

Law Courts,
Bournemouth.

BOROUGH OF BROMLEY

THE Town Clerk requires a recently-qualified Solicitor, not necessarily with Local Government experience, to be second Assistant Solicitor in his Department on the salary scale commencing at £675 rising by two increments of £25 to £725, plus London weighting; applications, to be made by letter (including names and addresses of two referees), to Lionel Kaye, Esq., Town Clerk, Municipal Offices, Bromley, Kent, not later then January 17, 1955.

PONTYPRIDD URBAN DISTRICT COUNCIL

Appointment of Clerk to the Council

APPLICATIONS are invited from suitably qualified persons for the above appointment, at a salary of £1,517 10*s.* × £52 10*s.* to £1,727 10*s.* per annum.

The salary and conditions of service are in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks, including the recent increase.

Further particulars of the appointment may be obtained from the undersigned. Applications, giving the names and addresses of two referees, should be received not later than January 19, 1955.

JOHN HILTON,
Clerk to the Council.

Municipal Buildings,
Pontypridd, Glam.
December 17, 1954.

CHISLEHURST AND SIDCUP URBAN DISTRICT COUNCIL
(Population : 85,000)

Appointment of Legal Assistant (Unadmitted)

APPLICATIONS are invited from persons with sound general legal experience to deal principally with mortgages under the Housing Acts. Previous local government experience not essential. Salary A.P.T. IV (£705 × 30—£855 per annum, inclusive).

Application forms from the undersigned to be returned completed by January 31, 1955.

T. W. FAGG,
Clerk of the Council.

Council Offices,
Sidcup Place,
Sidcup, Kent.

CITY OF STOKE-ON-TRENT

Appointment of Chief Constable

APPLICATIONS are invited from members of the police service of Great Britain for the appointment of Chief Constable of the City of Stoke-on-Trent. The appointment will be subject to the statutory and other regulations applicable to the Office of Chief Constable of a Borough.

The person appointed will be required to devote his whole time to the duties of the office, which will include such additional duties as may from time to time be prescribed by the Watch Committee.

The salary attached to the appointment will be £1,600 per annum, and will rise by annual increments of £50 to a maximum of £1,750 per annum. A house, together with uniform and motor car, will be provided. The salary will be subject to the deductions prescribed in Acts and Regulations applicable to the police service.

Applications, stating full name, address, age, rank, qualifications and experience, and accompanied by copies of three recent testimonials, must be delivered to the undersigned, endorsed "Chief Constable," not later than January 31, 1955.

Canvassing will be a disqualification.

HARRY TAYLOR,
Town Clerk.

Town Hall,
Stoke-on-Trent.

BOROUGH OF COLCHESTER

Assistant Solicitor

APPLICATIONS are invited for the post of Assistant Solicitor in the Town Clerk's Department at a salary in accordance with the recommendations of the National Joint Council for Local Authorities' Administrative, etc., Services.

Previous local government experience will be an advantage but is not essential. The appointment will be subject to a satisfactory medical examination and terminable by one month's notice on either side.

Applications, stating age, present salary, qualifications and experience, and the names and addresses of two persons to whom reference may be made must reach the undersigned not later than January 24.

Canvassing will disqualify and relationship to any member or senior officer of the Council must be disclosed in the application.

N. CATCHPOLE,
Town Clerk.

Town Hall,
Colchester.

WILTSHIRE

Full-time Female Probation Officer

APPLICATIONS invited for this appointment based on Trowbridge. Conditions and salary subject to Probation Rules, 1949-1954. Car required. Allowance paid. Applications in writing, stating age, qualifications and experience, with names of two referees, to reach the Clerk of the Peace, County Hall, Trowbridge, by January 24, 1955.

APPOINTMENTS

METROPOLITAN BOROUGH OF HAMPSTEAD require Senior Assistant Solicitor, salary, Grade A.P.T. VII (£930—£1,130 inclusive).

Applications, on forms to be obtained from the undersigned, to be delivered by January 31, 1955, to Town Clerk, Town Hall, Haverstock Hill, N.W.3.

LANCASHIRE MAGISTRATES' COURTS COMMITTEE

Manchester Petty Sessional Division

Appointment of Deputy Clerk to the Justices

APPLICATIONS are invited from solicitors for the above appointment.

Previous experience in a Justices' Clerk's Office is essential, and applicants should have had extensive experience of Magisterial Law and Practice and be capable of acting as Clerk of the Court without supervision.

The salary will be within the range of Grade VII of the National Joint Council Scales (£900—£1,100 per annum) and will be subject to review when the recommendations of the National Negotiating Committee for Justices' Clerks' Assistants are issued.

The person appointed will be required to devote his whole time to the duties of the office and not engage in any other employment.

The appointment is superannuable and subject to a medical examination.

Applications, stating age, qualifications, experience, and particulars of positions held in recent years, with the names and addresses of two persons to whom reference may be made, and endorsed "Deputy Clerk" must reach the undersigned not later than January 21, 1955.

G. S. GREEN,
Clerk to the Justices.

County Magistrates' Court,
Strangeways,
Manchester, 3

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